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ABSTRACT

This monograph highlights the elements of four victim-assistance programs which demonstrate the range of services currently being offered. It provides a preliminary look at the impact of such programs and points out where more information is needed. Major topics include victim and witness services and monitoring thereof. The two goals of victim-assistance programs are delineated--enhancing the quality of justice by satisfying the emotional and social needs of crime victims and witnesses and increasing the willingness of victims and witnesses to cooperate with police and prosecutors after they have reported a crime. (Author/BMW)

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VICTIM/WITNESS ASSISTANCE

by
Robert H. Rosenblum
Carol Holliday Blew

July 1979

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FOREWORD

"Remember me? I'm the victim." That plea, voiced by a New York woman to the judge hearing her case, is increasingly echoed in station houses, prosecutors' offices and courtrooms throughout the country. In the past, it often fell on deaf ears as busy criminal justice professionals went about their jobs insensitive to the feelings and needs of the crime victim. Unwittingly, a system designed to aid innocent people instead added to their burden. And justice suffered: cases were dropped and suspects released because victims--or witnesses--were turned off by an impersonal bureaucracy, or worn out by lengthy legal maneuvering that took time out of their lives and money out of their pockets.

An encouraging shift in attitude has taken place in recent years. One manifestation is the number of programs created to help the average citizen who is caught up in the criminal justice system. Victim-witness asistance projects provide a range of aid, from counseling and emergency social services for victims to improvements in scheduling and notification of case status to prevent unnecessary court appearances by both victims and witnesses.

This monograph highlights the elements of four victim-assistance programs which demonstrate the range of services currently being offered. It provides a preliminary look at the impact of such programs, and points out where more information is needed and where refinement of programs might occur. A useful tool for those working in this area, it will be augmented by other LEAA assessments now under way.

As this report suggests, victim-witness assistance is a growing, but still fledgling, trend in criminal justice. If it is to develop and mature, it needs the involvement of a broad coalition of interested groups. LEAA is seeking to encourage this cooperation by developing a comprehensive national strategy for victim-witness assistance that will seek to involve all levels of government--Federal, state and local--and the private sector. In this role, we will act as a catalyst to bring together groups with similar concerns relating to victims and witnesses and assist them in initiating specific steps to improve their services. This effort, we believe, is one way of making citizen support for criminal justice not just a slogan, but a reality.

Henry S. Dogin

Henry S. Dogin, Administrator
Law Enforcement Assistance Administration

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CHAPTER 1
INTRODUCTION

The last decade has produced major improvements in our systems for protecting the rights of the accused, providing humane treatment to the convicted, and delivering services to the ex-offender. But what about the victim of crime? While the plight of rape victims and battered wives has received increased attention, what is often forgotten is the suffering that every crime victim endures as a result of the crime, whether it be a purse snatching or an assault. Proponents of victim services point to the disproportionate amounts that are expended on offenders to provide them with transportation, room and board, medical services, legal counsel and treatment programs ranging from mental health counseling to job placement. Victims, however, must foot the bills for any similar services they might require as a result of their victimization. Moreover, it is the young, the poor and uneducated who are most frequently victimized yet least able to cope with the consequences.[1]

If the offender is apprehended, the victim as a witness becomes vulnerable to further inconveniences and distress. Victims tend to perceive themselves as "pieces of evidence" within the criminal justice system. If they choose to prosecute they must be questioned, often repeatedly. They must sacrifice work days and secure transportation or child care for seemingly endless

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[1] Emilio C. Viano et al., Victim/Witness Services Participant's Handbook (Washington, D.C.: University Research Corporation, 1977), p. 14. The elderly, although less frequently the targets of criminals, are most victimized by the fear of crime (see Steven Schack and Robert S. Frank, "Police Service Delivery to the Elderly," 438 Annals 81 (July 1978): 83-84).

court appearances, many of which may be postponed or cancelled with no advance notice. Decisions are made with little or no explanation. Their recovered stolen property needed as evidence may remain lost to them. And in addition to the many inconveniences, victims rarely learn the disposition of the cases in which they were victimized.

Witness noncooperation with case prosecution has become a serious problem. Few jurisdictions collect data on the number of cases dropped due to witness noncooperation; however, the high no-show rate in many large jurisdictions suggests that the results of victim neglect are substantial.[2] Besides the failure of witnesses to show up, a staggering proportion of crimes are simply never reported. Although at least one study has found that the probability of a crime being reported is related to the perceived seriousness of the crime,[3] many deterrents to reporting have also been identified, among them: inconvenience and distrust of the criminal justice system, financial losses, safety concerns, and a feeling that no personal satisfaction would derive from prosecuting the case.[4] A 1975 study of victims and witnesses in Milwaukee found that once the victim/witness enters the criminal justice system the most commonly perceived problems are time loss and associated loss of income.[5]

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[2]U.S. Department of Justice, LEAA, Improving Witness Cooperation by Frank J. Cannavale, Jr. and William D. Falcon, Editor (Washington, D.C.: Government Printing Office, 1976).

[3]U.S. Department of Justice, LEAA, Victims and Witnesses: Their Experiences with Crime and the Criminal Justice System (Executive Summary), by Richard Knudten (Washington, D.C.: Government Printing Office, 1977), p. 7.

[4]Viano, Victim/Witness Services Participant's Handbook, pp. 17-18.

[5]U.S. Department of Justice, Victims and Witness, p.3.

A recent 1977 survey[6] identified 71 programs, most of which shared the following two major goals:

(1) To enhance the quality of justice by satisfying the emotional and social needs of crime victims and witnesses; and

(2) To increase the willingness of victims and witnesses to cooperate with police and prosecutors after they have reported a crime.

In most projects the two goals are closely related; the assumption is that by satisfying the victim's emotional and social needs, one increases the likelihood that the victim will choose to cooperate further with the prosecution. To this end services are provided in the following four categories:

- Public education to provide citizens with crime prevention information and to advertise the availability of remedial services.

- Victim counseling intended to address the immediate and longer-term emotional and social service needs of the crime victim and to alleviate some of the immediate burden placed on police.

- Witness services geared to improve victim and witness participation in the criminal justice process by basic information (how the system works, how to find the courthouse, where to park), case information (when to appear, how the case has progressed), witness management services (such as case status calls and standby telephone alerts) and related support including waiting facilities, child care and transportation.

- Financial remuneration including victim compensation, offender restitution, and property return or repair.

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[6] John Hollister Stein, Better Services for Crime Victims: A Prescriptive Package (unpublished manuscript, available from the National Criminal Justice Reference Service inter-library loan or microfiche).

Recognizing that justice for the offender is not necessarily justice for the victim, many communities have begun to address the deficiencies in the treatment of victims and witnesses. The Law Enforcement Assistance Administration has provided funding to projects around the country in this field and is now sponsoring under its National Evaluation Program a "Phase 1" study of victim/witness assistance. This study, scheduled for completion in the spring of 1980, will identify the population of victim/witness projects in the United States,[7] describing what is known about their operations and impact and will recommend methods for future evaluation. Although this study is only in its preliminary stages there have already been over 200 victim/witness projects tentatively identified throughout the country.

This monograph does not attempt to provide a comprehensive assessment of the victim/witness movement. Rather its purpose is to identify the needs facing victims and witnesses, the means by which four projects around the country have sought to meet those needs and the results of the efforts of these projects.

How a particular victim/witness program defines its goals and the specific services which it provides is influenced by a number of factors including staff, budget, organizational affiliation, and the availability of related community resources and programs. In the following section of this chapter we will discuss these factors and identify the significant elements of established programs. This section will also introduce four specific projects selected for more detailed discussion. They were selected on the basis of their existing evaluation reports and preliminary evidence of success in meeting their goals. These projects also provide a range of services and a variety of approaches to the delivery of victim/witness services. The four projects are The Victim/Witness Assistance Project, Brooklyn, New York; Project Turnaround, Milwaukee County, Wisconsin; The Victim Assistance Project, Multnomah County,

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[7] The NEP Phase 1 study includes only programs offering direct services to victims or witnesses and excludes projects which provide services exclusively to sex assault and child or spouse abuse victims, or are limited to providing only victim/witness restitution or compensation.

Oregon; and The Victim/Witness Advocate Program, Pima County, Arizona. The chapter concludes with a description of New York City's new governmental agency established solely to serve crime victims. Chapters 2 and 3 focus on the services provided by the four projects under review. (Case studies of these projects are presented in the Appendix.) Chapter 4 highlights the evaluation findings of the four projects and also offers some observations on appropriate monitoring and evaluation approaches for victim/witness evaluators.

1.1 Elements of Existing Victim/Witness Projects

The key elements of 71 victim/witness projects are displayed in Table 1.1 according to their agency affiliation, financial support,[8] staff size, intended beneficiary and number of services offered. The right hand side of the table shows where the four programs discussed in this report fall within each of the dimensions. The scope of affiliation or sponsorship covers the entire range of criminal justice system agencies as well as a fair representation of social service agencies and other community organizations. In general, those projects attached to the court or prosecutor's office are more likely to emphasize witness cooperation while those affiliated with social service agencies or private citizens' groups tend to focus primarily on alleviating the traumatic effects of the crime. As the table indicates, criminal justice agencies are the most frequent sponsors, representing 65 percent of the programs surveyed.[9]

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[8] Identification of these projects, as well as much of the data in this section comes from John Hollister Stein, Better Services for Crime Victims: A Prescriptive Package (available from the National Criminal Justice Reference Service inter-library loan or microfiche).

[9] A directory of victim/witness assistance programs compiled by the Commission on Victim/Witness Assistance indicates that 142 (73 percent) of 195 programs identified are located in the prosecutor's offices. See U.S. Department of Justice, LEAA, The Victim Advocate (Chicago: National District Attorney's Association, 1977).

Table 1.1
KEY ELEMENTS OF 71 VICTIM/WITNESS PROGRAMS(1977)

			BROOKLYN	MILWAUKEE	PORTLAND	TUCSON
LOCATION/AFFILIATION						
County/State's/District Attorney's Office	21	31%		●	●	●
Court	12	18%				
Enforcement	11	16%				
Social Service Agency	11	16%				
Joint	2	3%				
Other[1]	10	15%	●			
	67[2]	99%[3]				
BUDGET						
Less than $50,000	20	31%				
$51,000 - $100,000	15	23%			●	
$101,000 - $250,000	11	17%				●
$251,000 - $500,000	2	3%				
$501,000 - $1,000,000	1	2%		●		
More than $1,000,000	1	2%	●			
Volunteer	3	5%				
Institutionalized (no separate funds)	12	18%				
	65	100%				
PERSONNEL						
10 and under	48	73%			●	●
11 - 25	9	14%		●		
26 - 50	2	3%	●			
51 +	0	0%				
Institutionalized (no separate staff)	6	10%				
	63	100%				
Volunteer Component	21	31% (of 67)	●	●	●	●
BENEFICIARY						
Victim only	24	36%				
System only	14	21%				
Both	29	43%	●	●	●	●
	67	100%				
SERVICES						
1[4]	21	31%				
2 - 3	33	49%			●	●
4 +	13	19%	●	●		
	67	99%[3]				

[1]"Other" includes city or county manager's office, Department of Corrections, volunteer community organizations, local Bar Association, or a separate agency as is the case for Brooklyn.

[2]Data were not available on all 71 projects for each category.

[3]Total percentages equal less than 100%, due to rounding.

[4]Projects providing only one service are primarily restitution projects.

Only three percent enjoyed joint sponsorship while the remaining 31 percent (16 percent social service and 15 percent other) were not sponsored by the criminal justice system at all.

For many projects, the provision of victim/witness services did not involve substantial expense. Of the 71 identified projects, over half (54 percent) had yearly budgets of less than $100,000, and almost one-third (31 percent) had budgets of less than $50,000 per year. At the opposite end of the spectrum only four projects received funding in excess of $500,000 per year (one of which is funded in excess of $1,000,000). It should also be noted that 12 of the projects (18 percent) have already been fully institutionalized into existing agencies with no identifiably separate budget.

In identifying the primary beneficiary of project services, almost half (43 percent) indicated a focus on both the victim and the system. Of those with a preference, most were victim oriented. As might be expected from the budget categories, the bulk of the projects have small staffs, 70 percent having 10 or less. (Twenty-three programs included a volunteer component.) The number of services offered is also in keeping with the relatively small budgets, with over 75 percent of the projects offering three or fewer services.

Table 1.2 provides information on the four programs that are discussed in the chapters that follow:

- Victim/Witness Assistance Project in Brooklyn, New York;
- Project Turnaround in Milwaukee County, Wisconsin;
- Victim Assistance Project in Multnomah County, Oregon; and
- Victim-Witness Advocate Program in Pima County, Arizona.

Table 1.2
MAJOR FEATURES OF FOUR VICTIM/WITNESS PROGRAMS

FEATURES / CITIES	BROOKLYN	MILWAUKEE	PORTLAND	TUCSON
Project Name	Victim/Witness Assistance Project	Project Turnaround	Victim Assistance Project	Victim-Witness Advocate Project
Start-up date	July 1976	May 1975	July 1976	January 1976
Community Served	Brooklyn, New York	Milwaukee County, Wisconsin	Multnomah County, Oregon	Pima County, Arizona
Population[1]	Brooklyn: 2,408,234	Milwaukee: 636,796 Milwaukee County: 1,012,336	Portland: 368,732 Multnomah County: 630,412	Tucson: 298,457 Pima County: 443,958
Sponsoring Agency	Victim Services Agency (non-profit agency serving five New York City boroughs.) Previously sponsored by the Vera Institute of Justice.	Milwaukee County District Attorney's Office	Multnomah County District Attorney's Office	Pima County Attorney's Office
Source of Funds	Originally Law Enforcement Assistance Administration (4/75-12/78). Now city funded through HUD block grant, city tax revenues, and foundation grants.	Law Enforcement Assistance Administration	Law Enforcement Assistance Administration	Originally Law Enforcement Assistance Administration. Now city and county funded.
Annual Operating Budget	$1,158,402	$518,000	$98,011	$192,749
Project Organization				
Total Number of Project Staff	41	16 (plus Assistant District Attorneys for services institutionalized in District Attorney's Office in 1978.)	4	9
Administrative	Project Director, Deputy Director, Data Processing Coordinator, Victim Involvement Project Director, Head Teacher, Reception Center Coordinator, Complaint Room Coordinator, Notification Center Coordinator, Dispute Center Coordinator, Office Manager	Citizen Contact and Support Coordinator, Information Systems Coordinator, Deputy Sheriff Lieutenant Coordinator of Witness Protection. Institutionalized: Assistant District Attorney Coordinator of Sensitive Crimes Unit and Assistant District Attorney Coordinator of Citizen Victim Complaint Unit	Project Coordinator	Program Administrator
Staff	Court Specialists, Complaint Room Specialists, Service and Restitution Counselors, Witness Management Specialists (including 3 police department personnel), Mediation Supervisor, Mediation Intake Specialist, Enforcement Specialists, Drivers/Repairmen.	Citizen Contact Specialists and Aides, data systems analysts and programmers, deputy sheriffs Institutionalized: 2 Assistant District Attorneys, social worker.	Victim Advocates	Victim Witness Advocates, Witness Services Advocate (Superior Court), Witness Services Advocate (Juvenile Court) (Research Analyst in County Attorney's Office available on part time basis).
Clerical	Secretaries, messenger/clerk, data processors	Clerk stenographer	Legal assistant, legal clerk	Secretaries
Other	Volunteers	Volunteers	Volunteers (10-20)	Volunteers (40)
Referral Sources	*Witnesses:* Police officers and District Attorney files *Victims:* Police department complaint room for borough (victims usually appear when alleged offender apprehended); Police officers and Assistant District Attorneys, self-referral to Crime Victim Hotline	*Witnesses:* District Attorney case files; self-referral to Witness Protection Unit *Victims:* District Attorney case files; self-referral to Witness Protection Unit	*Witnesses:* District Attorney case files *Victims:* Police, District Attorney, Self-referral	*Witnesses:* County Attorney's case files *Victims:* Police, Sheriff, Hospitals, Self-referral

[1] Source for population data: U.S. Department of Commerce, Bureau of Census. *County and City Data Book 1977* (A Statistical Abstract Supplement). Washington, D.C.: Government Printing Office, 1978).

Table 1.2 (cont.)
MAJOR FEATURES OF FOUR VICTIM/WITNESS PROGRAMS

FEATURES / CITIES	BROOKLYN	MILWAUKEE	PORTLAND	TUCSON
Target Clientele	Witnesses and victims	Witnesses and victims	Victims, limited witness notification provided	Primarily victims; witness services are increasing
Court Jurisdiction Served	Brooklyn Criminal Court (misdemeanor and felony cases until bound over to Supreme Court)[1]	Milwaukee County Court (felony)	Multnomah Circuit Court (felony); Multnomah District Court (misdemeanors)	Pima County Superior Court (felony); Pima County Juvenile Court
Annual Court Caseload	60,000 +	4 000 +	est. 3000; 9810	4000 +; 2000 +
Service Provided/Number Served				
Victim Services				
Victim Contact • Information Awareness Activities	Public service announcements, presentations to community groups, pamphlets to crime victims/ Not known. Police provided information cards with telephone numbers	Presentations to community groups/occasional basis	Presentations to community groups/average of 11 per month; Pamphlets to crime victims/5,013 (7/75-9/76). Police provided information cards with telephone numbers	Public service announcements/ Not known. Presentation to community groups; training provided to police department on V-WAP services/90 police officers
• Crisis Intervention	Crime Victim Hotline 8 hours, 5 days per week / 4800 calls in 1977			On-site crisis intervention 24 hours a day, 7 days per week/579 clients in 1977
• Complaint Assistance		Handle complaints in the District Attorney's Office from victims unaccompanied by police/1,981 contacts (10/76-10/77). (Institutionalized in District Attorney's Office in 1978)		
Counseling and Social Services	Services Counselor in Victim/Witness Reception Center/est. 1450 cases in 1977 (includes victims and witnesses)	Consultation and advice provided by Citizen Contact and Support Unit/702 contacts 12/77 to 7/78 (includes victim and witnesses)	Referral to social service agencies/917 referrals 7/77 to 7/78	Counseling and Assistance/580 contacts in 1977
Sensitive Crimes Prosecution		Sensitive Crimes Unit handles sex crimes, child abuse, and child neglect cases/251 cases prosecuted 7/75 to 6/77 (Institutionalized in District Attorney's Office in 1978)	Victim Assistance Project was a spin-off from a Rape Assistance Project in the District Attorney's Office, 2 projects will be joined in 1980 as a victim services division.	
Mediation	Dispute Center handles felonies where a prior relationship exists between disputants and no serious injuries occurred/ 351 cases referred, 145 (62%) cases mediated, 1 (.5%) arbitrated, 87 (37%) referred back to District Attorney's Office/ 1/78 to 4/78			Misdemeanor cases involving Peace Bonds. (If a Justice of the Peace determines that a complainant is in imminent danger of being threatened, struck or having property damaged, defendant must deposit bond of up to $8000 for a 6 month period.) Cases are mediated in the Mutual Agreement Process/est. 15-20 cases/ month
Restitution	Restitution Counselor processes payments and assists clients/139 referrals, 15 (14%) successfully terminated, 7 (6%) returned to court because of defendant failure to pay, and 87 (80%) pending 1/78 to 4/78	Brochure sent to victims with case disposition letter. Assist clients in preparing and documenting restitution claims/1193 contacts 12/77 to 7/78	Separate project (Project Repay) which will be combined with Victim Assistance Project and Rape Assistance Project in 1980	Inform clients about restitution possibilities/not known
Victim Compensation	Provide information about and refer eligible victims to New York Compensation Board, act as advocates and appear before Board if necessary/number of referrals unknown (statute implemented in 1966)	Provide information about and refer eligible victims to Wisconsin Crime Victim Compensation Bureau/83 claims in 1977 (statute implemented in 1977)	Provide information about and refer eligible victims to Oregon Crime Victims Compensation Division/84 referrals 1/78 - 6/78 (statute implemented in 1978)	No state victim compensation statute

[1]The Supreme Court in New York is not the highest court but rather is a trial court of original jurisdiction. In many jurisdictions, its counterpart is Superior Court.

Table 1.2 (cont.)
MAJOR FEATURES OF FOUR VICTIM/WITNESS PROGRAMS

FEATURES / CITIES	BROOKLYN	MILWAUKEE	PORTLAND	TUCSON
Services Provided/Number Served				
Property Return and Repair	Complainants sign Permission & Authority Affidavits stating defendant not authorized to use property and with DA approval seized property can be returned prior to trial/not known; Emergency mobile repair van for private and commercial burglary victims/308 repairs in 1977	Assistance in retrieving property prior to trial/480 contacts 12/77 to 7/78	With certain exceptions evidence can be photographed and returned to victim prior to trial/128 requests for assistance 1/78 to 6/78	Assistance in recovering property/est. 1 case per month
Involvement in the Adjudicatory Process	In 1 court, victims are provided assistance throughout the adjudicatory process. Their desires on bail, prosecution, and sentencing are obtained/data not yet available. In arraignment courts mediation, restitution, and property release services explained to victims.		Victims' "feelings" included in presentence report. Victims' desires solicited in plea bargaining and jury selection procedures/Not known.	In certain cases victims' "feelings" solicited concerning conditions of defendants' release. Victims' desires included in presentence report/not known.
Witness Services				
Logistical Services and Facility Improvements	• Victim/Witness Reception Center/averaged 800 clients per month 7/77 - 1/78 • Children's Center for children of victims/witness and defendants/2000+ children in 1977 • Transportation – taxi vouchers and subway tokens provided/average of 100+ taxi trips and 70+ tokens disbursed in 1977	• Babysitting provided by project staff if absolutely necessary/1 per month • Transportation provided by staff/average 9 trips per month	• Reception lounge for police and expert witnesses/30-40 per month • Babysitting provided by volunteers if absolutely necessary/1 per month • Transportation provided by volunteers or staff/average 8 trips per month	• Babysitting provided by volunteers if absolutely necessary/1 per month 1/77 to 4/77 • Transportation provided by volunteers and staff/62 trips 1/77 - 4/77
Witness Information	Form describing project services accompanies notification letters. Brochure providing information on services available at reception center and complaint room. Case status information provided at witness request.	Brochure providing information on criminal justice system, court procedures, transportation, location of courthouse, etc. and project services. Case status information provided at witness request/2611 contacts 12/77 - 7/78.	Brochure providing information on criminal justice system, court procedures, transportation, location of courthouse, etc. and project services. Case status information provided at witness request.	Brochure providing information on criminal justice system, court procedure, transportation, location of courthouse, etc. and project services. Case status information provided at witness request/average 10 requests per month 1/77 - 4/77.
Witness Notification and Management	• Notification of civilian witnesses by letter and telephone for all court appearances/65,000 witnesses in 1977 • Placement of civilian witnesses on alert status/8981 witnesses in 1977 • Notification of police witnesses for all court appearances/54,700 witnesses in 1977 • Placement of police witnesses on alert status/18,788 witnesses in 1977 • Case disposition letters/Not known • Computerized notification and witness management information system	• Case status calls to civilian witnesses (before subpoenas are sent for preliminary hearings)/4670 calls 12/77 to 7/78 • Placement of civilian witness on alert status/1192 witnesses 12/77 - 7/78 • Notification to civilian witnesses of cancelled court appearance/1093 calls 12/77 - 7/78 • Case disposition letters/2229 letters 12/77 - 7/78 • Computerized subpoena and witness management information system	• Letter notification of case status/9162 letters 7/77 to 7/78 (letters include the following: – report of arraignment, – tentative trial dates, – plea of guilty, – found guilty by jury, – not guilty, – dismissal, and – date of sentencing)	• Cases status letter or telephone information/3921 contacts 6/77 - 12/77 • Pre-sentence letter information/1226 contacts 6/77 - 12/77 • Letter notification of case disposition/3120 letters 6/77 to 12/77 • Notification to police and civilian witnesses of cancelled court appearances/1142 contacts 1/78 to 6/78
Witness Protection	Referral to District Attorney's Detective Investigation Division	Services to victims/witnesses who have been threatened, harassed, or intimidated./Assurance-112 contacts, escort to court-36, surveillance - 33, relocate - 19, 9/76 - 9/78	Referral to District Attorney's Office	Referral to District Attorney's Office

The information presented on these projects is based on a review of project materials and evaluation reports as well as two-day visits to each of the projects during the fall of 1978.

As Table 1.2 indicates,the four projects differ substantially in size and scope. Brooklyn and Milwaukee have large annual operating budgets (over $1,000,000 and $500,000 respectively) and relatively large staffs (41 and 16). Of the other programs identified in the 1976 sample, the Pima and Multnomah County programs are more typical. The Multnomah County budget is less than $100,000, and the Pima County budget is approximately $200,000. Both the Pima and Multnomah County projects operate with 10 or less paid staff.

While all four programs are associated with a district attorney's or county prosecutor's office, the Pima and Multnomah County projects are primarily victim-oriented, providing such services as crisis intervention, counseling, and social service referral. These efforts are supported in each instance by case status and disposition notification. While Brooklyn and Milwaukee provide services to victims, their primary efforts are directed towards notifying witnesses and managing their participation with the prosecutor. In the next two chapters, the activities associated with both of these perspectives are examined in detail.

Encouraged by the apparent success of the Victim/Witness Assistance Project in Brooklyn, the city of New York created a Victim Services Agency (VSA) to expand victim/witness services to the other four boroughs of New York City. Since this effort is notable for its wide array of services, its large client population, and its position in the political structure of the city, its operations are described briefly in the section below.

1.2 A Comprehensive Approach: New York's Victim Services Agency (VSA)

A nonprofit corporation located directly under the Mayor's office, VSA began operations in July 1978 with $90,000 from the city's Criminal Justice Coordinating Council to fund the initial three-month planning phase and a first year budget of $1.5 million from a Community Development block grant awarded to the city by the United States Department of Housing and Urban Development.

The Victim Services Agency in New York has responsibility for the provision of citywide victim services. To fulfill its mandate, the VSA will inventory the victim/witness services extant in each of New York City's boroughs and coordinate the activities of existing programs. It will provide technical assistance to facilitate replication of appropriate elements of the Brooklyn project in the other boroughs. Where gaps in service are identified, the VSA will provide direct service delivery or develop and implement new programs. Such programs may be funded through the VSA budget or other sources of funds may be solicited. By using the existing resources to best advantage, instituting aspects of Brooklyn's program, and starting new programs where needed, the VSA hopes to provide a comprehensive array of victim services to the more than one million citizens who are victimized in New York City each year.

Coordinating Existing Services

The VSA has assumed operation of the Borough Crisis Centers, a program previously managed by the Mayor's Task Force on Rape in which crisis centers were established in four municipal hospitals. Consistent with the priorities of the former operating agency, these centers served rape victims, battered women, and abused children. Under VSA, the Crisis Centers will serve all crime victims in their respective neighborhoods. The Crisis Centers' "hotline" has been consolidated with the VSA's "Victimline,"

and all staff are being trained in working with victimized women and children. Contingent on the receipt of CETA (Comprehensive Employment and Training Act) funds, VSA plans to open similar Crisis Centers in additional hospitals.

Supplementing Existing Services

VSA plans to build upon an earlier demonstration project in which Appearance Control Units located in police precincts provided a limited system of telephone alerts to police witnesses in an effort to reduce police time in court. While keeping the existing Appearance Control Units intact, VSA will expand and improve their services by incorporating appropriate elements of the Brooklyn Victim/Witness Assistance Projects (V/WAP's) witness management service such as: better scheduling of case adjournments to reduce the need for police officers to appear in court on regular days off, notifying police witnesses of case outcome, facilitating property return through computerized lists, and rescheduling cases if laboratory reports are not yet available.

Another V/WAP program to be extended citywide through the Victim Services Agency is a residential security service for the elderly. In conjunction with Crime Prevention Units and Senior Citizen Anti-Crime Teams of the New York Police Department, the VSA provides three emergency services: repairs to property damaged as a result of burglary, lock exchanges for victims of purse snatching or other incidents in which keys or personal identification are stolen, and installation of new locks where present security measures are inadequate. This program is funded by the city's Department for the Aging.

Many of the Brooklyn program's court-related services, most notably the Witness Reception Center, will be established by the VSA in the Criminal Courts of the other boroughs. Mediation screening, property release procedures, and restitution services based on the Brooklyn experience are also being instituted

citywide. In addition, plans are underway to expand the V/WAP's counseling and computerized witness management services to additional courts and to make the Reception Center available to Family Court witnesses.

In sum, VSA is a new attempt to institutionalize, on a city-wide basis, a broad array of services and programs designed to reduce the personal and social traumas of victimization, and enhance the efficiency and effectiveness of the criminal justice system.

CHAPTER 2
VICTIM SERVICES

2.1 Introduction

Americans suffered almost 25 million criminal incidents in 1974, of which almost 14 million (57 percent) were not reported to the police.[1] For most of the millions of victims of these crimes little, if any, assistance was available. Increasingly, victim assistance programs are evolving to help victims of crime overcome the emotional trauma and financial loss resulting from their victimization. Some victim support services may be provided to individuals whether or not they have had contact with law enforcement or criminal justice personnel, while others are designed specifically for victims involved in the adjudicatory process; some victim services are crisis oriented, designed to deal with the immediate effects of victimization; and others are long term, in recognition of the fact that victimization frequently continues after the crime.[2]

This chapter examines eight different types of victim services provided in the four victim/witness programs which were reviewed. These eight services represent the kinds of assistance that have been provided in programs throughout the nation. The categories in which victim services are provided include:

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[1] U.S. Department of Justice, LEAA, Sourcebook of Criminal Justice Statistics, 1976 (Washington, D.C.: Government Printing Office, 1977), p. 358.

[2] Anne Newton, "Aid to the Victim--Part 2: Victim Aid Programs," Crime and Delinquency Literature (December 1976).

- Victim Contact;
- Counseling and Social Services;
- Sensitive Crimes Prosecution;
- Mediation;
- Restitution;
- Compensation;
- Property Return and Repair; and
- Involvement in the Adjudicatory Process.

For each of the categories, the services provided by the four programs under review will be discussed in terms of intervention stage, method of delivery and operations.

2.2 Victim Contact

Victim contact services encompass those outreach efforts which are aimed at victims prior to their involvement in the judicial process or which are intended to prevent victimization from occurring. These services, when available, represent the first contact point between the project and the victim and often may be the first contact by the victim with the criminal justice system. Three distinctive types of services are included in the victim contact category:

- information/awareness efforts;
- crisis intervention; and
- complaint assistance.

Information/Awareness Activities

Information and awareness activities are of two kinds. The first is prevention-oriented, providing safety hints on such topics as home security and community crime trends. The second is intended to make the public aware that services are available should a crime occur. Included in this latter category are efforts to promote referrals from criminal justice system agencies or other public agencies.

The Pima County, Arizona V/WAP and Multnomah County, Oregon VAP actively engage in crime prevention efforts beyond simply providing crime prevention information through media interviews or community meetings. The Multnomah VAP monitors victims, locations and suspects in purse snatching crimes for prevention purposes. All reports of such crimes have been catalogued according to age, sex, and race of the victim and suspect and the time, date, geographical location and type of premises in which the crime was committed. This has, to date, included 688 victims and 866 suspects. Crimes are recorded on a large pin-map maintained at the VAP offices. Information has been shared with police for assistance in deployment tactics, and a community-specific brochure is being prepared for public information.

Pima County V/WAP's community crime prevention activities also enhance the project's credibility among criminal justice system professionals and heighten public awareness of the V/WAP. Because no other organizations or agencies in Tucson were providing this service, the Pima County V/WAP organized workshops for the local criminal justice professional and interested citizens on such topics as crime prevention for the elderly and defensible space planning and design. The Project Director appeared on various media programs to discuss community crime prevention.

Because some victims may never become witnesses and others may not report crimes, victim programs cannot rely exclusively on referral agents to inform victims of available services. Hence, those projects which attempt to reach victims who have not had contact with the criminal justice system conduct

outreach efforts to increase awareness of program existence and services in the community. A survey of Brooklyn V/WAP clients (see Chapter 4) indicates that victims are frequently unaware of services designed to help alleviate their problems. In addition, a 1974 survey of 234 crime victims conducted in New York City found that 80 percent of them were unaware of the existence of city, state, and federal sources of assistance that might have eased some of their documented problems.[3]

The Brooklyn, Pima County and Multnomah County projects have each engaged in public information and education activities with the intention of reaching as many victims as possible. The Brooklyn and Pima County projects regularly present public service announcements in the media, and the staff in Multnomah and Pima Counties frequently organize presentations to local community groups, public service agencies, and school groups to inform them of services and of steps to take should a crime occur.

Even with public information efforts, self-referrals for victim services are generally small and the majority of victim referrals emanate from police officers or prosecutors. Thus, it has been critical that these agencies be aware of service availability. The Pima County V/WAP, in its first year of operation with LEAA funding, retained an outside consultant to provide training to the Tucson Police Department for the purpose of promoting police referrals. Training was provided to 90 police officers in the identification and management of crisis situations and on the availability and services of the V/WAP. This training was effective in increasing the number of referrals to the V/WAP from police officers. Of the trained officers surveyed, 68 percent reported that they had increased their usage of the program after training. Only 15 percent of the trained group had not made any referrals to the program, compared to 46

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[3] U.S. Department of Justice, LEAA, Improving Witness Cooperation, by Frank J. Cannavale, Jr. and William D. Falcon, Editor (Washington, D.C.: Government Printing Office) 1976, p. 30.

percent of the untrained group. Efforts were also made with the Pima County Attorney's Office to encourage referrals of victims and in particular to stress the ability of the V/WAP to manage and promote witness cooperation.

The degree to which the Multnomah County VAP has successfully engendered police and prosecutor confidence is demonstrated by a continued increase in the number of referrals they make. Since July 1977, these agencies have consistently accounted for over 70 percent of all VAP clients (81 percent in the most recent reporting period). Recently, standard operating procedures have been instituted in both the DA's office and the police department that result in the immediate inclusion of VAP in each homicide (staff work with the victim's family), assault, purse snatching or any crime in which the victim is over 60. VAP also receives early notification in many other crimes, at the discretion of the individual officers and/or prosecutors.

The Brooklyn V/WAP provides each patrol officer with cards that list the Crime Victim Hotline telephone number. These cards, which are to be handed to victims, put them in immediate contact with project staff and services. Furthermore, after an arrest has been effected, victims are brought by police officers to a central complaint office for the borough where a V/WAP staff member explains the array of court and noncourt related V/WAP services.

In its first 16 months of operation (5/75-9/76) Project Turnaround funded a Milwaukee Assistant District Attorney to head an Advocacy Unit. The unit served primarily a lobbying function--introducing the project to other county agencies and programs and representing the interest of victims and witnesses in policy decisions in the county criminal justice system and at the state legislature.

Crisis Intervention

Crisis intervention services are intended to provide immediate access and care to victims and generally are available on a round-the-clock basis. Services are provided to alleviate the victim's crisis and include telephone hotlines, counseling (in person and over the telephone), provision of emergency transportation, shelters, food, clothing and the like. In cases where continued aid appears necessary, the crisis victim may be provided subsequent counseling by the project or referred elsewhere. This service is hardly new to criminal justice programming--crisis intervention centers and ambulatory teams have been active with rape victims for over a decade. However, the notion that crime victims in general may be physically or emotionally traumatized as a result of their victimization is new. A growing number of police departments are training their officers in crisis intervention techniques. The emphasis is on stabilizing the situation until the arrival of units of trained personnel, who are able to escort the victims from the scene and spend considerable time with them, allowing the officer(s) to pursue the investigatory and enforcement work.

The Pima County V/WAP provides on-site crisis intervention services. Crisis intervention is a primary service of this project and records for 1977 indicate that 51 percent (579) of all client contacts involved such services. Not all crisis contacts involve victims of crime. Police officers have frequently referred to V/WAP persons who are in need of assistance in noncrime situations. For example, in 1977 20 percent of the crisis clients were persons in need of assistance (PINA) but not involved in a crime. Such persons have included transients, accident victims, and lost persons. V/WAP is utilized by the police department to assist these people because such services are not available in Tucson or not available on a 24-hour basis. Crisis calls may come from the police officer at the scene or from hospital emergency room personnel. Staff and trained volunteers, on call 24 hours a day, seven days a week, are contacted in emergencies through a county communications system and through a paging system. On weekends the pagers are staffed by two volunteers who then call on other volunteers as necessary, and project staff serve as backups. Crisis services include counseling, transportation, and temporary housing.

Surveys conducted for Pima County V/WAP for the first 10 months of operation revealed that the program's response time to a call-for-service averaged 30 minutes to an hour. To further improve response time, project staff concentrated their efforts on peak activity periods and utilized CRISIS One and CRISIS One A, unmarked radio-equipped police cars supplied by the Pima County Sheriff's Office and Tucson Police Department. One car is on the road seven nights a week from 6:00 p.m. to 3:00 a.m. and is manned by one V/WAP staff member and one volunteer. Crisis workers in the cars may take calls for assistance directly from police officers on the scene, may be assigned through the police dispatcher to report to an incident, or may take the initiative and "gravitate" toward a crime scene they have monitored over the radio. The Project Coordinator believes that this procedure serves to shorten the response time to crisis calls (although no data are yet available), provides more visibility for the V/WAP staff among police officers, and allows closer interaction between project staff and volunteers.

The Pima County crisis services were the subject of a client assessment survey in which 52 of 61 respondents rated the crisis intervention services as good to excellent.

Complaint Assistance

The Milwaukee Citizen-Victim Complaint Unit (C-VCU) which is now institutionalized as a part of the District Attorney's Office, was established as a part of Project Turnaround to handle complaints from victims who walk into the County District Attorney's Office unaccompanied by a police officer. (In the other jurisdictions such complaints would be referred to the police departments.) The primary objectives of the unit were to reduce the waiting time for walk-ins before complaints were taken and, where appropriate, to dispose of the complaint or refer the complainant to the proper authority. In addition, the C-VCU handled telephone inquiries from victims, referring the callers to appropriate law enforcement or social services agencies and requesting personal interviews when necessary. Complaints to the C-VCU have involved fraud, theft, family disputes, battery, and harassments. Typically the unit will issue

an "order-in-letter" which requests the individual to discuss the offense with an Assistant District Attorney.

2.3 Counseling and Social Services

Counseling and social services are the logical extension of crisis intervention, and also focus primarily on the victim. Like crisis intervention the first contact may come through a hotline or by referral from any one of the system agencies. Typically, projects provide both clearinghouse and direct services. While there is often system benefit from these services--victims who have received care and attention may be more likely to cooperate--the services are not contingent upon participation.

All four programs engage in some kind of counseling and referral. Pima County will continue to counsel crisis victims in their homes or in the V/WAP office subsequent to the crisis situation. For victims who are needed as witnesses, counseling may be scheduled around upcoming court appearances. Generally, V/WAP staff and trained volunteers (who are also involved in crisis intervention) do not provide more than five to six counseling sessions. For those individuals requiring longer-term assistance, referrals are made to other social service agencies. Non-crisis victims are also provided counseling or referral to social service agencies.

The Brooklyn V/WAP, through its hotline, makes extensive referrals to other agencies and also to its service counselor. The service counselor and his staff of graduate student volunteers are located in a victim-witness reception center which is operated by V/WAP in the Brooklyn Criminal Court. The counseling often includes referrals to other assistance agencies (e.g., rape crisis centers or battered wife services). In instances where harassment is reported, the counselor will notify the DA's Detective Investigations Unit. Also, the counselor often acts as an advocate--writing letters and making phone calls to ensure prompt action by public agencies and social service agencies.

2.4 Sensitive Crimes Prosecution

In locations where specific programs for rape victims or victims of family assaults are not provided for, a victim-witness project may incorporate services particularly designed for these victims. These too are intended to benefit both the system and the victim. Usually, continuity of investigation and prosecution is provided to reduce the excessive number of times a victim must recount her story--typical in a system which handles separately the report, arraignment, hearing, trial, and appeal. And easing the burden may increase the victim's willingness to testify. Generally, larger jurisdictions have prosecution units specializing in such crimes.

Project Turnaround in Milwaukee established a Sensitive Crimes Unit (SCU) which provided specialized and priority prosecution for sexual assaults, child abuse and child neglect cases. The SCU is now part of the District Attorney's Office. The unit's primary objective is to provide continuity of prosecution from initial interview through disposition by having only one Assistant District Attorney assigned to the case. This protects the victim from having to retell the story at each stage of the case as new prosecutors are assigned and seeks to engender victim confidence. It is hoped that this will result in a greater number of prosecutions and an increased rate of conviction. The unit has also established a strong working

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[4] This topic is covered briefly here since extensive information is available elsewhere. For further information in this area, see U.S. Department of Justice, LEAA, Rape and Its Victims: A Report for Citizens, Health Facilities and Criminal Justice Agencies, by Lisa Brodyaga et al. (Washington, D.C.: Government Printing Office, 1975); and U.S. Department of Justice, LEAA, A Community Response to Rape, by Gerald Bryant and Paul Cirel (Washington, D.C.: Government Printing Office, 1977); and U.S. Department of Justice, LEAA, The Stop Rape Crisis Center: An Emergency Project by Deborah Day and Laura Studen (to be published in 1979).

relationship with the appropriate social service and medical agencies that has produced a uniform approach in policies and procedures for preserving or recording medical evidence needed for effective prosecution.

2.5 Mediation

Many of the cases that clog criminal court calendars, only to be dismissed because the victim no longer has an interest in continuing the criminal process, involve disputants who know each other. After the initial complaint and arraignment, the aggrieved party is often willing to forgive and forget rather than see criminal sanctions imposed.[5] Such cases may often be disposed of successfully through mediated settlements without burdening the system.

Mediation projects exist in many jurisdictions independent of victim-witness programs.[6] Both the Brooklyn and Pima County projects have established mediation as an alternative for victims involved in certain types of cases. While Brooklyn handles primarily felony cases, Pima County mediates misdemeanors involving cases of harassment or family and neighborhood disputes. Mediation is perceived by project staff to offer a more lasting and appropriate resolution of the problems that led to a criminal complaint than does formal adjudication.

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[5] A study of criminal court processing in New York found that victims and defendants had a prior relationship in 56 percent of all cases. Eighty-seven percent of these cases resulted in dismissals due to complainant noncooperation. See Vera Institute of Justice, Felony Arrests: Their Prosecution and Disposition in New York City's Courts (New York: Vera Institute of Justice, 1971).

[6] For a detailed description of mediation and mediation projects, see U.S. Department of Justice, LEAA, Neighborhood Justice Centers: An Analysis of Potential Models, by Daniel McGillis and Joan Mullen (Washington, D.C.: Government Printing Office, 1977).

Staff in both projects indicate that these types of cases frequently involve the same disputants as use the courts and that courts are typically reluctant to impose criminal sanctions against these defendants. Hence, mediation enables the disputants to discuss problems openly and jointly agree upon appropriate sanctions or actions.

In Brooklyn the Dispute Center is operated by the V/WAP in conjunction with the Institute for Mediation and Conflict Resolution, which has operated a similar center in Manhattan for several years. The Dispute Center was established primarily to divert felony cases in which the disputants were known to each other previously. Arrests are screened for mediation by V/WAP staff in the central complaint room. If a relationship exists between the disputants and if there were no serious injuries involved, staff describe the mediation alternative to the disputants. Disputants eligible for mediation but not present at the complaint room are contacted by telephone. If the disputants are interested in mediation, V/WAP requests District Attorney and court approval to refer the case to mediation. Mediations are then conducted at the Project's main offices, rather than at the Court House.

The Dispute Center mediators are community volunteers trained in the techniques of mediation and conflict resolution. The mediators are empowered to arbitrate cases, but disputants are strongly encouraged to reach their own solution. Mediated settlements are civilly enforceable and cases which are successfully mediated are not returned to the criminal court. When violation of an agreement occurs, project staff attempt to rectify the violation but should this fail, they assist in the filing of a civil enforcement claim.

In Pima County the V/WAP developed the Mutual Agreement Program at the request of the County Attorney's Office as an alternative procedure to the traditional court handling of Peace Bond cases. The purpose of a Peace Bond is to restrain a particular person from threatening or striking another person or from damaging the property of another person. If a Justice of the Peace determines through a court hearing that the complainant is in imminent danger, he may order the defendant to deposit money (up to $5,000) with the Court for six months. If the

defendant is convicted of breaching the peace of the complainant during the six month period, the defendant may forfeit the money deposited with the court. Previously, the Criminal Division of the County Attorney's Office had handled all citizen requests for Peace Bonds. However, they were not given serious consideration by the Deputy County Attorneys since many involved family and neighborhood disputes and it was felt the Peace Bonds did not resolve the underlying problem.

Under the Mutual Agreement Program, V/WAP staff converse separately (in person or by phone) with the disputants to understand their position and to gain their respect and trust. Disputants are then encouraged to meet at the project office to work on resolving the problems. If one or both parties refuse to meet, then V/WAP staff will continue to meet with the disputants separately until a compromise is reached. Following the agreement, follow-up contacts are initiated with both parties at two week and two month intervals to determine if everyone involved is complying with the agreement. The disputants are also asked to contact the program if further problems arise.

2.6 Restitution

Requiring offenders to make restitution to their victims through financial reimbursement or service to the community as a whole has become an increasingly used sanction. Restitution not only compensates the victim but also potentially benefits the offender by allowing him to pay his debt to the victim and society. Restitution most commonly takes the form of money payments but some programs allow service restitution, in which offenders serve either the victim or the community.[7] At

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[7] Joe Hudson, Bert Galawy and Steve Chesney, "When Criminals Repay Their Victims: A Survey of Restitution Programs," Judicature (February 1977): 314. See also James Beha, Kenneth Carlson, Robert H. Rosenblum, Sentencing to Community Service (Washington, D.C.: Government Printing Office, 1977).

least two states have passed laws to encourage restitutive sanctions. Iowa in 1974 enacted a law requiring restitution as a condition of either probation or deferred sentence to the extent that the offender was able to do so. And in 1976 the Colorado legislature permitted courts to order restitution in conjunction with fines, probation, imprisonment, or parole.

Financial restitution, where permitted, is a court-ordered sanction aimed at returning the victim to his pre-crime financial status by requiring the offender to replace the stolen and/or damaged property. When imposed it is limited to property crimes. Many jurisdictions, however, do not utilize this alternative because of the inherent difficulties in administering it. Typically, victim/witness programs with a restitution component assist their clients in assessing damages, maintaining records, completing forms and informing appropriate officials about the victim's desire for restitution. Some victim/witness programs have become the administering agencies. According to the Brooklyn District Attorney, courts have been more amenable in ordering restitution when they are not faced with the burden of overseeing it.

The Milwaukee, Brooklyn, and Pima County projects assist their clients in securing restitution. However, the court is the final authority and little can be accomplished unless the court orders restitution. Nevertheless, programs counsel their clients to keep careful records so that their losses can be documented if restitution is ordered. The Multnomah County restitution component, which helped collect almost $500,000 of court-ordered restitution, has since left the VAP and become a separate program (Project Repay).

The Brooklyn V/WAP has recently increased its activities from advocating and assisting clients in obtaining restitution to actually managing restitution payments for the court. Contact with both victims and prosecutors led V/WAP staff to the realization that victims often wanted restitution; however, even when the court imposed this sanction, there was no mechanism to ensure that payments were made. Hence, V/WAP has assigned a staff member to process payments and inform the court about delinquent and completed payments.

2.7 Victim Compensation

Victim compensation is a state administered program to provide partial or total remuneration to specified crime victims for defined losses. Unlike restitution, the arrest or conviction of the offender is unnecessary for compensation payments. Since 1965, over 20 states have enacted victim compensation statutes. These laws provide for medical and, in some instances, wage loss remuneration to victims of assaultive crimes (in cases of homicide some statutes extend compensation to the victims' families). Generally these statutes provide secondary coverage (private insurance is primary), have a financial ceiling ($10,000 is typical), and require cooperation with law enforcement.

Since collection usually requires the filing of a documented claim, victim assistance projects can be of assistance to victims by checking that all criteria are met and by helping to document the claim. The projects may also inform victims of the compensation law initially. In those states where compensation statutes exist, the programs discuss eligibility criteria with victims, refer them to the administering agencies, assist them in filing claims, and act as advocates with the compensation administrators. Wisconsin's compensation statutes became effective in 1977 and 57 percent (183) of the claims in that year were from Milwaukee County. Project Turnaround attributes that figure to its active assistance efforts.

2.8 Property Return and Repair

Stolen property, even if recovered, is "evidence." As a result, it may sit in a police locker for as long as the case takes to go to trial requiring the victim to replace it just as if it had not been recovered. Some jurisdictions have allowed affidavits or photographic evidence to stand in place of the actual evidence, returning its use to the victim. While the victim is the main beneficiary, the return may promote more positive feelings by the victim towards the system and a greater willingness to cooperate.

All four of the projects studied routinely assist clients in retrieving property that has been confiscated for evidentiary purposes and/or recovered in the course of a police investigation. In Milwaukee, upon the agreement of the court and both parties to the case, property is returned to the victim prior to trial. Multnomah County has instituted a similar procedure, first photographing the evidence and then returning it to the victim. Of course, in instances where the evidence must be inspected by the jury (e.g., where the victim's property is also an instrument of the crime such as a tool or weapon) or where the property is necessary to link the defendant to the crime through identifiable fingerprints, such photography and return is infeasible. Other exceptions include cases involving narcotics and noncooperative victims (those who refuse to make the property available should it be physically required in court). Except for such cases, project staff arrange to photograph the property with the victim, who then signs and dates the photo and agrees to keep the property available for presentation until the case is disposed.

Brooklyn also has instituted procedures to expedite the return of property to witnesses present in the complaint room. The complainants sign a Permission and Authority Affidavit stating that the defendant did not have their permission to use the property. The court will accept this signed statement as testimony during the pre-trial stages of the case. If an Assistant District Attorney authorizes release, the property can then be returned to the complainant. In addition, the V/WAP has introduced a computerized report which matches property voucher numbers and descriptions with court docket numbers to replace the previous time-consuming manual process. Previously, the processing of property release vouchers had been the full-time responsibility of two police officers. Since the V/WAP instituted these procedures in the complaint room these officers have been relieved of their property release duties three days per week.

Brooklyn also offers property repair to victims. This service, which operates from a mobile unit, will travel to any point in Brooklyn to fix locks, board windows, or provide other security repair for both private citizen and commercial burglary victims. This service also effects savings in police manpower, which is otherwise deployed to guard commercial property until repairs can be arranged.

2.9 Involvement in the Adjudicatory Process

Each of the projects reported on here attempts to influence adjudicatory proceedings by involving the victim in the process other than merely as a witness. As described earlier, staff from each of the projects counsel property victims to maintain records on losses and damages and then act as liaisons to probation and court officials. In addition, the Multnomah VAP ensures that victims' wishes are considered in pre-sentence reports. According to the project, these efforts to involve victims in judicial decision-making have resulted in prosecutors asking for involvement by victims in plea bargaining and jury selection procedures.

The Pima County V/WAP provides assistance in developing pre-trial release requirements on cases where the defendant and victim live together (e.g., in cases of battered wives). A staff member contacts the complainant to determine his or her position concerning the conditions of release. Victims are also assisted in preparing information for the pre-sentence report to the judge.

Brooklyn has recently initiated a unique effort--the Victim Involvement Project (VIP)--to work closely with victims throughout the prosecutorial process. VIP staff are stationed in the complaint room to talk to victims. Staff members describe the court process and what results victims should expect. They attempt to assess the victim's interest in prosecuting the case and to determine what the victims expect to achieve through prosecution. Staff then aid victims in presenting their intentions to the prosecutor. Victims who are not present in the complaint room are telephoned to gather this same information. In addition, V/WAP staff stationed in arraignment courts examine the victim assessment forms completed by VIP staff and communicate victim desires on bail and disposition to prosecutors. They also contact victims whose cases are disposed of at arraignment to explain the outcome.

Cases continuing beyond arraignment are assigned to two VIP staff who attempt to uncover any special problems the victim may be experiencing and his willingness to cooperate and relay this information to the prosecutors.

CHAPTER 3
WITNESS SERVICES

3.1 Introduction

In summarizing the American Bar Association's position in 1938 on treatment of witnesses, Michael Ash writes:

> Witness fees were described as inadequate and 'not commensurate with modern wage standards.' Incongruously low fees were said to excite the witness' 'ridicule at the methods of justice.' Intimidation of witnesses was said to be a problem and, where it existed, 'the supreme disgrace of our justice.' Courthouse accommodations for witnesses were portrayed as inadequate and uncomfortable. According to the ABA, 'the state owes it to the witness to make the circumstances of his sacrifice as comfortable as possible.' Too frequently, it was said, witnesses were being summoned back to court again and again without ever being asked to testify.[1]

Thirty-five years later the National Advisory Commission on Standards and Goals found many of these same problems still existing, including meager witness fees, inadequate or nonexistent facilities for witnesses, and required witness appearances that serve no function.[2]

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[1] Michael Ash, "On Witnesses: A Radical Critique of Criminal Court Procedures," Notre Dame Lawyer 45 (December 1972), 386-387.

[2] U.S. Department of Justice, LEAA, Courts, by National Advisory Commission on Criminal Justice Standards and Goals (Washington, D.C.: Government Printing Office, 1973); see sections titled "Court-Community Relations" and "Production of Witnesses."

Specialized services to witnesses have, for the most part, come into being only in the last several years. Generally, these can be categorized into two types:

1. Services that provide support to witnesses and attempt to overcome some of the inconveniences associated with cooperation with the criminal justice system and

2. Services to improve the management and scheduling of witnesses throughout the judicial process.

The witness services of the four projects have been divided into the following categories:

- Logistical services and facility improvements,
- Witness information,
- Witness notification and management, and
- Witness protection.

3.2 Logistical Services and Facility Improvements

Included in this category are all efforts that are intended to ease the burdens that prevent witnesses from appearing and testifying in court. Services include:

- Transportation,
- Witness waiting areas,
- Child care,
- Language interpretation,
- Support during court proceedings,
- Lodging arrangements for out-of-town witnesses,

- Expedition of witness fee payments and other financial assistance, and

- Intervention with witness employers.

The Brooklyn V/WAP offers several of these services. It manages a witness lounge providing witnesses with a quiet place to await their calls (through an intercom directly to the lounge) with coffee, magazines, telephones, and individual work or reading areas available. In the lounge, staff provide witnesses with assistance in applications for witness fees, victim compensation and restitution. Witnesses may, in addition, receive counseling from the services counselor who is also located in the lounge. (See Chapter 2 for a discussion of the counseling service.)

The Brooklyn V/WAP also operates a child care facility--the Children's Center--with professional staff that not only "baby-sit" but also attempt to identify any relevant needs or problems that might exist. The Center services are available for the children of victims/witnesses and defendants. The center, headed by a trained preschool teacher, accepts children up to 12 years of age. A maximum of 12 children can be accommodated at any one time. In 1977 over 2000 children were served. Defendants and defense witnesses make up the majority of users of the Center. Typically, a third of the parents who bring children to the Center for the first time are informed of its availability by a staff member who stands near the elevators on the main floor of the court building. Approximately another third of the families who use the Children's Center have previously used the facility. Besides providing recreation and a learning environment for the children, the Center offers services to parents: identification of gross health and developmental problems in their children; information on day care services and preschool facilities in their communities; material on health, nutrition and child development and care; and referrals for those in need of social services.

The Brooklyn V/WAP is also able to offer transportation to witnesses. Taxi vouchers and subway tokens are provided to witnesses who otherwise would be unable to travel to and from court. The project attempts to place as many of these witnesses as possible on "standby telephone alert" since there are limited funds available for this service. Each of the other three programs reviewed provides very limited child care or witness transportation by relying on staff or volunteers but does not have regular funds available for this purpose.

Finally, as discussed in Chapter 2, Brooklyn has recently initiated an intensive support and assistance effort (Victim Involvement Project) in two courts to victims involved as witnesses in the judicial process.

3.3 Witness Information

> A . . . major deficiency in court-community relations is the lack of information services in the courthouse itself. . . . Witnesses may experience difficulty locating the site of trials at which they are to appear. No provision generally is made for answering basic questions concerning rights and responsibilities of participants, or the meaning of various parts of the process. Consequently, jurors, witnesses, and defendants may fail to exercise rights they otherwise would, or may come away from contact with a criminal case with an erroneous impression of the system.[3]

The Milwaukee, Multnomah, and Pima County projects send brochures with the first notification letter or subpoena that contain both general information about the system and court procedures and specific information concerning transportation, parking

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[3] U.S. Department of Justice, LEAA, Courts, National Advisory Commission on Criminal Justice Standards and Goals (Washington, D.C.: Government Printing Office, 1973), p. 194.

facilities, location of the courthouse and the various courtrooms. The brochures also describe the projects' various services and list telephone numbers to call for information or service assistance. In Brooklyn, a form describing services in both English and Spanish accompanies computer-generated notification letters. In Milwaukee, witnesses at the courthouse receive brochures explaining that protection services and assistance are available if the witness feels threatened, harassed, or intimidated. A brochure explaining restitution procedures is also available from Project Turnaround.

None of the projects reviewed has directly assessed the effects of these informational brochures and forms to determine whether witnesses do find them useful and understandable. The Brooklyn V/WAP did find in a survey of users and potential users of its court support services that many people were unaware that the services existed. However, at that time Brooklyn had not developed the present computer-generated form that is mailed to all witnesses. Stein, (1976) in an unpublished report, indicates that a majority of surveyed victims who received brochures prepared by the Sacramento Police Department found them of little value.[4] However, a study conducted in Washington, D.C. examining witness cooperation found that 43 percent of 594 witnesses ". . . did not receive an explanation of the major steps of the court process," and furthermore, 14 percent of 922 witnesses "suggested that communications improvements would increase cooperation."[5] And, as noted in Chapter 2, a survey of crime victims in New York City found that 80 percent of them were unaware of services available to aid them and that 85 percent indicated they would contact a victim service agency to obtain direction and referrals.[6] Nevertheless, despite our lack of knowledge concerning exactly what witnesses or victims do need to know or do not understand, it would seem evident

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[4] John H. Stein, "Better Services for Crime Victims: A Prescriptive Package" (unpublished manuscript, U.S. Department of Justice, LEAA, 1977), p. 67.

[5] U.S. Department of Justice, LEAA, Improving Witness Cooperation by Frank J. Cannavale, Jr. and William D. Falcon, Editor (Washington, D.C.: Government Printing Office, 1976), p. 7.

[6] Ibid., p. 31.

that information about available services, location, and travel logistics, and the rights and responsibilities of witnesses are facts that should be disseminated to witnesses in as comprehensive a manner as possible.

3.4 Witness Notification and Management

Witness notification includes efforts which simply involve informing witnesses when and where they are required to be present and apprising them of the status of the case that requires their involvement. Management of witnesses encompasses activities to prevent unnecessary appearances for witnesses, interactions with police and prosecutors to better coordinate their activities and system improvements such as elimination of hand-delivered subpoenas, installation of management information systems, etc. Both of the larger projects, the Brooklyn V/WAP and Milwaukee's Project Turnaround, provide comprehensive witness notification and management services. Notification in Brooklyn is handled by a special unit that informs both civilian and police witnesses involved in cases in the Brooklyn Criminal Court (misdemeanors). In Milwaukee, the Citizen Contact and Support Unit notifies felony civilian witnesses and does some notification of civilian witnesses in misdemeanor cases. Milwaukee's project staff also notify police witnesses by teletype when notice is received from the District Attorney's Office 72 hours or less from the appearance date.

The Brooklyn V/WAP attempts to contact all witnesses either by phone, letter, personal visit or a combination of these methods. The notification procedures replace the use of subpoenas which are now sent infrequently on an individual basis by the District Attorney's office. Prior to V/WAP, witness appearance notification in Brooklyn Criminal Court was accomplished by subpoena. The subpoena system, however, had a number of problems, including that:

- Many subpoenas were returned undelivered, and no follow-up attempts were made on these cases.

- Unless Assistant District Attorneys made personal contact with witnesses, they had no way of knowing which witnesses were likely to come to court, or whether witnesses who did not attend were still interested in seeing the case prosecuted.

- The rate of nonappearance among civilian witnesses was very high.

- All witnesses notified by subpoena were required to appear even though cases were frequently adjourned without progress, resulting in many unnecessary appearances for both police and civilians.

The notifications unit of the V/WAP, therefore, was designed to develop a more effective method of witness notification and to expand a limited system of telephone alerts begun in 1970 by the Appearance Control Unit, an earlier demonstration project of the Vera Institute focusing on police witnesses.

Communications between witnesses and police often result in inaccurate information about witness interest and location. Since this information is used for notification purposes, project staff are probably better suited to collect necessary contact information.[7] The first contact between Brooklyn's V/WAP and witnesses takes place in the complaint room located in the 84th Precinct where complaining witnesses (victims, who comprise 90 percent of the V/WAP civilian clientele) and eyewitnesses are brought by the police officers after an arrest

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[7] A study in Washington, D.C. found that 23 percent of 2997 witnesses could not be located because they were not known at a given address, or the building at an existing address was vacant, or there was no such address. Analysis of this problem indicted that police were not verifying witnesses' names and addresses. It was conjectured that misinformation was supplied to police because of fear or language problems, misunderstandings, etc. See U.S. Department of Justice, Improving Witness Cooperation, p. 17.

has been made[8] to fill out necessary forms. At that time, a V/WAP interviewer explains the court process to the witness and what can be expected from that point on. Contact information (name, address, home and work phone numbers, etc.) is taken to be entered into the computer, creating case files that form the basis for future notification of court appearances. The information is joined with information taken from the police report (including names of other witnesses and the arresting officer) and forwarded to a V/WAP staff member who is present at all arraignment sessions. Should the case survive arraignment, all the information noted above, along with arraignment dates (docket number, witness presence or absence, outcome, adjourned date and court), are fed into the computer for use by the notification unit.

A complaint room is staffed by V/WAP 24 hours a day, seven days a week and Assistant District Attorneys (ADAs) who are responsible for drafting accusatory instruments are also present on an around-the-clock basis. The centralization of the booking and complaint process obviously produces certain time and personnel efficiencies and at the same time increases the likelihood that all witnesses brought in by police officers will be contacted by V/WAP staff. Previously, V/WAP and complaint room ADAs were located in the Brooklyn Criminal Court. The V/WAP Project Director estimates that V/WAP contact with witnesses brought in by the arresting officer has tripled since it is no longer necessary to transport witnesses from the booking facility to court.

The Milwaukee Citizen Contact and Support Unit becomes involved in notification activities after initial appearances (arraignments). Case files are delivered to the subpoena room (adjacent to CCSU) where subpoenas are computer-generated and the file is then handed over to a citizen contact specialist. An effort is made to place a case status call to all subpoenaed witnesses prior to the preliminary hearing. While preliminary hearings

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[8] When no arrest has been made, complaints are made directly to the District Attorney's Office without V/WAP assistance. Once an arrest has been made, the victim is contacted by V/WAP.

tend to be held on schedule, jury trials are typically delayed beyond the first scheduled date and an "on-call alert" procedure is utilized to prevent unnecessary witness appearances. This procedure involves identifying those witnesses who are certain to appear, can be readily reached by telephone, and can arrive at the courthouse within one hour after the "alert" notification. In those cases where the witness need not appear, "recalls" are made. "Recalls" to witnesses whose cases have been delayed, dismissed, adjourned, or plead-out are made also to prevent unnecessary appearances.

Every effort is made to keep witnesses informed of the latest developments in their cases as they progress and to avoid unnecessary appearances. Following disposition, letters are sent informing victims and witnesses of the final disposition. Since there is often a time lag between the disposition date and the mailing of the letter, CCSU often requests that witnesses call them for this information.

Brooklyn V/WAP notification procedures are similar to Project Turnaround's with the exception that all contact history information on witnesses can be entered into the computer, while in Milwaukee, this information is manually recorded. The Brooklyn notification unit, located at the project's main offices, is responsible for contacting all witnesses who are not excused at the outset (such excusal could occur at or prior to arraignment and would be entered into the case file at that time). The unit works from a series of lists generated daily by the computer. The first series of lists distinguishes between "long dates" (cases adjourned at arraignment for six or more days) and "short dates" (cases adjourned for five days or less--these would include cases in which bail is either not set or not met, in which case a hearing must be held within 72 hours of arraignment). For long date cases, a computer-generated letter (in English and Spanish) is sent to the witness that notes his upcoming court date and asks him to phone the notification unit to confirm receipt of the letter. In short date cases, the unit attempts immediate telephone contact. Once notification is made the results are entered into the file.

The Brooklyn V/WAP also utilizes a telephone "alert" procedure similar to the one in Milwaukee. The decision to place a witness on "alert" status is made by V/WAP staff based on their perception of the witness' willingness to appear, accessibility by telephone and likelihood that the prosecuting attorney will require the witness' presence. Re-call is also provided, although in Brooklyn, all witnesses are re-called on the day prior to their court date, either to remind them or to cancel. In Brooklyn, approximately 14 percent of all witnesses are placed on alert status. Fewer than 15 percent of those witnesses placed on "alert" status are being contacted, an indication that V/WAP has been relatively successful in assessing the necessity of witness' appearance and more importantly in reducing unnecessary appearances.

Police witnesses are also notified through the Brooklyn V/WAP notification unit. However, all the police notifications are done by police personnel assigned to the unit. Information on shift schedules and days off for each officer in Brooklyn is included in the V/WAP data base. A list of 12 to 16 scheduled shift days and days off is provided for each officer involved in a case in a post-arraignment court. This information is supplied both to the court and to the Assistant District Attorney and serves as a guideline in setting adjournment dates. This same information is available at arraignment to help reduce the selection of days off for the first adjournment. Obviously, notification of police witnesses is more easily facilitated as officers are contacted at their precincts by telephone or teletype. Police witnesses are also eligible for "alert" status resulting in significant manpower savings.

A final notifications list is computer-generated each evening, indicating the next day's schedule in each court. The list includes the following items for each case:

- Witness' appearance status (must appear, on alert, or excused),
- Method of witness contact (telephone, letter, visit), and
- Expected appearance or nonappearance of each witness.

Then these lists are forwarded to the Assistant District Attorneys, to assist in their decision-making regarding order, priority, and negotiations. At the end of each day, the Assistant District Attorneys note the outcome of the proceedings (disposition, adjourned date, court), which witnesses are no longer needed, and any additional witnesses who will be required for the next court proceeding. The information is then entered into the computer and the notification cycle begins again.

In addition to the daily court list, Assistant District Attorneys are provided a "Recommended Immediate Action List." This includes witnesses who have refused to appear in court, who cannot be located by telephone or address, and who have not responded to one or more subpoenas. A complete history of contact attempts is included along with pertinent case information. Thus, the Assistant District Attorney can decide whether it is better to pursue the case and employ investigative resources or to dismiss the case. In Milwaukee, the Citizen Contact and Support Unit specialists supply this information verbally and through their bi-weekly meetings with felony team heads. Moreover, the CCSU has recently attempted to locate and subpoena witnesses whom the Sheriff's Department has been unable to locate and who are designated by the District Attorney's office as important to the prosecution.

In Pima County, the primary focus of the V/WAP witness services section is to provide information to witnesses at various stages in the judicial process. In addition the V/WAP has implemented limited notification and alert procedures. Victims and witnesses in felony cases are contacted by telephone or letter, at the following points in the criminal justice process.

1. When the prosecutor decides to pursue the case. Victims and witnesses are given the name of the deputy county attorney who is working on the case and information about property recovery and retrieval.

2. When a subpoena is issued. The V/WAP telephone number is stamped on the subpoena and an information pamphlet is enclosed that requests the witness to telephone the day before his case is scheduled to verify that his presence is still required.

3. At case disposition. This information is accessed weekly from the project's in-house computer terminal to the Pima County Court Information System (installed early in 1978). Information about case disposition also goes to police officer witnesses.

A Witness Alert procedure was instituted in early 1978 to provide "up-to-the-minute" case status information for prosecution witnesses. The system is presently operating on an experimental basis with the three trial teams of the Criminal Division. The witness service advocate obtains weekly computer printouts from the County Data Processing Division which presents the court's calendar one week in advance. Attorneys can identify which cases are likely to be continued up to one hour before the case is scheduled and the witness can be so notified.

Recently the Pima County V/WAP instituted a subpoena-by-mail experiment in one of the five Justice of the Peace courts.[9] Personal service misdemeanor subpoenas are normally used for these five courts but it was believed that the constables who served the subpoenas viewed them as a low priority (compared to Superior Court subpoenas) resulting in nondelivery and delays.

The attorney in the experimental Justice Court determines whether mail subpoenas are appropriate. If he indicates that a subpoena should be mailed, V/WAP sends a subpoena letter, a certificate of service and a return post card to each civilian or law enforcement witness. Civilian witnesses are also sent a brief pamphlet describing what a subpoena is, the function of witnesses, and information on court proceedings, courthouse location, transportation, parking, and the like. Both the subpoena and the pamphlet instuct witnesses to contact V/WAP the day before they are to appear to verify court times and locations. Nine days prior to the trial date V/WAP personnel review returned post cards and determine which witnesses did not waive their rights to personal service subpoena. On verification from the attorney that the cases are still set for

[9] Justice of the Peace Courts have jurisdiction over misdemeanor and traffic cases.

the original dates and times, personal service subpoenas are prepared for those witnesses failing to return cards. If the Justice Court attorney notifies V/WAP of a change in the status of the case, V/WAP will then personally contact the witness.

The Multnomah VAP does not conduct any telephone notifications but sends form letters to notify witnesses of various stages of their cases' progress, a service that is also provided to police witnesses. These letters include the following:

- Report of Arraignment--includes the charge, place and if plea is "not guilty" the scheduled trial date;
- Plea of Guilty--includes charge, sentence, and sentencing judge;
- Found Guilty by Jury--same information as plea;
- Not Guilty;
- Dismissal;
- Date of Sentencing--sent to circuit court victims informing them of date and sentencing judge. Victims who attend sentencing hearings report to the District Attorney who, in turn, routinely informs the judge of their presence.

3.5 Witness Protection

The survey on witness cooperation in Washington, D.C. found that fear of intimidation was a primary concern of many witnesses.[10] Twenty-eight percent of 922 witnesses responding desired better protection for witnesses. There was a fairly even split between

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[10] U.S. Department of Justice, Improving Witness Cooperation, p. 31.

victims and nonvictims/witnesses who expressed fear of harassment or reprisal. While only Milwaukee offers witness protection as a program component, the other three programs will refer witnesses who are harassed or intimidated to appropriate law enforcement officials.

The Milwaukee Witness Emergency Unit (WEU) consists of two deputy sheriffs and a coordinating lieutenant. The unit's primary objective is to provide services to victims and witnesses who have been threatened, harassed, or otherwise intimidated. The WEU anticipates such problems in cases in which defendants turn state's evidence and provides the necessary services. Also the unit is responsible for responding to incidents of intimidation directed at jurors or judges. In its three years of operations, there have only been three such incidents.

According to the WEU Coordinator, some of the services (relocation, extensive protection, and identity change) provided by the unit were the first to be initiated at a nonfederal level. The unit receives most of its referrals from other law enforcement agencies, the Citizen Contact and Support Unit, and the DA's office. Between 100 to 200 referrals a year have been received. Threats against a victim, witness, or juror are investigated and if substantiated, may result in surveillance, protective custody, temporary or permanent relocation, and on occasion, identity change. The unit may also effect arrest for "threat to injure," a statutory felony in Wisconsin that is designed primarily to protect witnesses. If the threats are against property or against a person but do not require relocation or full-time surveillance, the unit notifies the law enforcement agency responsible for patrolling the area where the person or property is located.

CHAPTER 4
MONITORING AND EVALUATION

4.1 Introduction

Each of the four projects discussed in this report has been assessed by a professional evaluator.[1] These evaluations generally confirm that the projects have succeeded in addressing many of the serious gaps in the services available to victims and witnesses. Where user satisfaction has been assessed, the recipients of project services have viewed the assistance favorably. To date, however, the evidence that project efforts have increased the willingness of victims and witnesses to cooperate with police and prosecutors is, at best, equivocal. While this is certainly partly due to the substantial measurement difficulties associated with this goal, it may also suggest the need for more rigorous planning and monitoring efforts. These efforts can help to assure that projects pursuing the goal of increased victim/witness cooperation are delivering an appropriate mix of services to those who might otherwise be unwilling to assist in the investigation or prosecution of the crime.

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[1] The Brooklyn Victim/Witness Assistance Project was evaluated by the Vera Institute of Justice, New York City (one of the groups responsible for developing the project); the Milwaukee County Project Turnaround was evaluated jointly by Evaluation/Policy Research Associates, Ltd. and Price Waterhouse & Co., Milwaukee, Wisconsin; the Multnomah County Victim Assistance Project was evaluated by the Oregon Research Institute, Eugene, Oregon; and the Pima County Victim/Witness Advocate Program was evaluated by the Stanford Research Institute, Menlo Park, California.

This chapter reviews the basic elements of a monitoring and evaluation system for victim/witness assistance programs and discusses in more detail some of the specific findings of the projects reviewed. Since the four projects and their evaluations differ substantially, the results reported here are comparable only in the broadest sense and do not reflect relative success or failure.

Evaluation questions concerning the extent to which victim/witness assistance services achieve the goals set forth above arise at three different levels:

- Level I: Program Design. In what ways, and to what extent, does the program address real needs in ways that can reasonably be expected to help?

- Level II: Service Delivery. How many services of each kind were delivered? What proportion of each need received service? How good (i.e., how consistent with design and needs and how acceptable to the recipients) were the services?

- Level III: Impact and Effectiveness. What happened because the services were delivered? How confidently can one attribute the outcomes to the program? To what extent have the program's effects reduced the needs that motivated it?

Appropriate monitoring and evaluation questions and practices for V/WAP activities take on forms at each level reflecting the nature and locus of the problems they are designed to deal with. The two aspects of V/WAP public awareness programs (prevention and outreach) require a somewhat different evaluation approach from that appropriate to the other V/WAP services that are provided more directly to victims and witnesses. We therefore discuss the public awareness components first, followed by evaluation of victim/witness services at each of the three levels.

4.2 Monitoring and Evaluating Programs of Public Awareness: Prevention

Designing program (Level I) activities to teach the public to avoid victimization requires an understanding of, or at least certain assumptions about, the anticipated audience. Indeed, the definition of the audience is the first order of business in any public awareness effort. Before investing heavily in public education as a service to potential victims, an agency would do well to conduct a needs assessment to identify the segments of the population in which people really do not know how to provide themselves with basic protection and to distinguish these segments from others in which action more than knowledge may be the problem. Knowing who has what need can contribute greatly to program efficiency and public relations. Carefully designed general population surveys (telephone or in-person) would help determine whether the public at large or segments of the populace know about or use basic crime-prevention facts and techniques. However, such surveys are expensive and projects involved in crime prevention may have to rely on less precise indicators of the appropriate audience such as surveys conducted in other cities or the characteristics of known victims of crime. Profiles of previous crime victims usually can be developed from police files. Targeting project efforts at that group of people assumes that victims are generally more ignorant about crime prevention than nonvictims and might have behaved differently before their victimization, had they only known how.

4.3 Monitoring and Evaluating Programs of Public Awareness: Outreach

People do not necessarily seek out--nor even necessarily accept when offered--the services they need. This uniform finding of the four program evaluations suggests the need for a needs assessment for outreach efforts intended to prepare people to use V/WAP services in case of victimization. Such an effort might involve several steps including: (a) a survey of victim/witnesses to determine both the characteristics of users and nonusers of project services and the reasons why services were not used; (b) an evaluation of the survey data to identify the

relative importance of client needs; (c) assessment of evaluation findings to determine whether project services are known to clients, appropriate for their needs, and accessible; and (d) adjustments in project operations based on the above findings designed to inform potential clients of project services and encourage participation. In addition, a follow-up evaluation could assess the extent to which the program succeeds in reaching and serving those whom it is intended to serve.

It is clear that the existence of an agency devoted to service delivery does not guarantee that services will reach all eligible recipients. For example, the Brooklyn V/WAP evaluation sought to measure the extent to which victims were being contacted and made aware of project services. Using a telephone survey, a sample of 80 victims/witnesses was drawn from cases after project start-up. Although the sample size is small, the results are striking (see Table 4.1). An average of 70 percent of eligible victims/witnesses were not aware of the existence of project services.

Table 4.1
VICTIM/WITNESS KNOWLEDGE AND USE OF SERVICES (BROOKLYN V/WAP)

	N*	knew about and used services	knew but did not use	did not know but would have used		did not know, would not have used		Total did not know
Reception Center	80	30%	9%	56%	+	5%	=	61%
Service Counselor	80	1%	11%	46%	+	42%	=	88%
Children's Center	16	6%	19%	50%	+	25%	=	75%
Transportation	22	32%	14%	54%	+	0%	=	54%

* Only those eligible for service are included

In addition, an average of 52 percent of those who were not aware of the project services said they would have used the services had they known of them. Since this survey was conducted, the Brooklyn V/WAP has instituted a computerized notification unit which, among other things, generates a letter to all witnesses five days before each scheduled court appearance informing them in both English and Spanish, of all project services. The impact of this system on client awareness of project services has not yet been assessed.

Another evaluation of project outreach was conducted in Milwaukee. The Citizen Contact and Support Unit (CCSU) of Project Turnaround contacts victims/witnesses prior to the mailing of subpoenas. To measure the degree of contact made, the evaluation team collected a 10 percent sample of all civilian (nonpolice) witnesses and victims listed for each felony case called in the Milwaukee County Court after the start of the project. The project files were then checked to determine whether contacts had been made with the people listed. The results appear in Table 4.2.

Table 4.2[2]
PERCENT OF SAMPLE OF VICTIM/WITNESSES WHO INDICATED BEING CONTACTED

	1976			1977		
Quarter	April-June	July-September	October-December	January March	April-June	July-September
	67%	79%	74%	66%	74%	71%
N	N/A	1787	2415	3227	2023	2673

[2] Evaluation/Policy Research Associates, Ltd. and Price Waterhouse and Co., Final Evaluation Report, Second Year Grant, Milwaukee County Project Turnaround, January 1977, p. 1.

For the last four reporting periods (October 1976 through September 1977) 7,313 witnesses were contacted out of a possible 10,340 for a 71 percent contact rate. (The decline in the contact rate in early 1977 corresponds with a reduction in project staff due to illness and the subsequent increase in the contact rate corresponds with the unit's return to full strength.

4.4 Level I: Program Design Evaluation

To the extent that the implementation of a given service element within a V/WAP is motivated by a social service orientation, crime statistics and other evidence of individual or societal distress within the jursidiction constitute sufficient evidence of need for the purposes of evaluating program design. Crimes do occur and precipitate crises in the lives of citizens, followed by more or less extended periods of personal, familial, and financial distress and upheaval. The very process of seeking justice may occasion disruption comparable to that caused directly by the crime itself. If one believes that disruption necessarily implies need for one kind of service or another, then it follows that need exists in every jurisdiction and in many varieties. A more sophisticated form of assessment would differentiate among types, levels, and incidences of need and the extent to which services can deal effectively with each kind of need.

The Pima County V/WAP evaluation addressed the accuracy with which client needs were identified, and the degree to which services designed to meet the needs were provided. It sought to assess the match between service needs identified by program staff at the time of the incident and those identified by the victim a few months thereafter. Sixty-six of the clients interviewed expressed at least one need which the program might have been able to address. In six of these cases (nine percent) there was no discernible relationship between the clients' perception of needs and the program's. Another 26 (39 percent) claimed to have needed more services than those identified by program staff. In the remaining 34 cases (52 percent) there appeared to be complete congruence between the clients' perceptions of their needs and the program's.

In explaining the disparity between project and client perception of need, the evaluation report concludes:

> In those cases where the assessments differed, the clients generally had many problems in their lives outside the immediate situation that led to their referral to the V/WAP. . . . Twenty-six clients felt they needed additional services not provided by V/WAP.[3]

In addition, the report concludes that only eight percent of client needs went unmet. To the extent that recorded needs give an accurate picture of all needs, the generally low percentage of unmet needs can be taken to indicate successful service delivery. However, two factors complicate this picture. First, as noted above, about half of the clients described some problem which was not identified by program staff as a service need. Second, the verb "met," as used in the tables from which this report was prepared, means either that some service was provided directly by the staff, or a referral was made to another agency. There is no guarantee that the referral resulted in a contact, that the contact led to service, or that the service once provided met the need.

When a project provides services designed to improve the system (witness oriented services) as distinguished from social services (victim oriented services), a full needs assessment must ask what system inefficiencies or dysfunctions result from inadequacies in services and what kinds and amounts of service would be required to mend the system. Thus, in order to assess the need for witness services, an evaluator must hypothesize about the relationship between lack of witness services and level of witness cooperation. The needs assessment must also determine the anticipated effect on witness cooperation by providing additional services.

Evidence of these kinds of assertions of need must necessarily rely upon causal hypotheses that can be based only in part on empirical observation; experience in the program can subsequently

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[3] Stanford Research Institute, An Evaluation of the Victim-Witness Advocate Program of Pima County, January 1977, pp. 33-34.

strengthen or refine such theoretical bases for the program design, assuming that they have been made clear and explicit from the beginning.

The justification of witness services that aim to facilitate participation in the justice process arises out of the joint needs of witnesses and of the system: needs for witness information, witness notification, logistical services, and financial assistance. This can perhaps best be documented with reference to selected case histories of unreasonable hardship or gross system inefficiency (such as cases dismissed for lack of witnesses) clearly resulting from unmet service needs. The point here is to demonstrate that the needs exist and have, if only occasionally, intolerable consequences; it is not necessary to prove that they are universal or even more than moderately common.

In Brooklyn, for example, the V/WAP conducted a study of pre-project appearance rates pooled across all post-arraignment court dates and resulting case dismissals. Out of a sample of 87 witnesses 50 (57.5 percent) failed to appear at their court date. The study further shows that 61 percent of the pre-project sample cases were dismissed due to civilian nonappearance. Milwaukee's Project Turnaround found that 23.7 percent of a sample of 232 pre-project cases were dismissed for "witness problems" including refusal to testify, address unknown, and no subpoena issued.

These data suggest the need for services. To meet this need, projects have developed the witness management activities described in Chapter 3. The impact of these activities is discussed below.

4.5 Level II: Service Delivery Monitoring and Evaluation

Level II monitoring and evaluation of direct services to victims and witnesses generally requires reasonably straightforward record-keeping procedures. Especially as programs and components may be motivated by a social service orientation, one needs primarily to keep records of services rendered, recipients, and the context in which the services were provided. The types of data that may be needed for monitoring V/WAP projects thus include:

- Numbers of cases and persons eligible for each service;
- Basic demographic information on eligible and actual clients (e.g., age, sex, ethnicity);
- Character of eligible cases and of cases actually served;
- Numbers of crisis calls and other requests for service received and responded to;
- Numbers of times the service unit actually delivered each service it was equipped to provide;
- Service requests received but not satisfied because of resource limitations and the like;
- Numbers of counseling contacts and contact hours;
- Numbers of referrals by agency;
- Numbers of individuals referred who actually received services;
- Numbers of contacts made with witnesses in order to ensure their presence in court and to prevent unnecessary court appearance;
- Amounts of restitution, compensation, or financial assistance administered or expedited;

- Value of property returned through the program; and
- Number and nature of sensitive cases facilitated.

It is important to know what services were delivered to whom in order to assess the project's priorities--does it allocate its resources appropriately to the most deserving clients and cases? Or to those on whom the services can have the most positive effect?

Within Level II, of course, the issue of the intrinsic quality of services also arises. In the absence of objective criteria for judging the performance of service providers, it is appropriate to assess service quality by asking recipients how well they liked the services they received. The results of such questioning must always be qualified by the well-known tendency of respondents to provide answers which they believe are desired or socially acceptable. But recipient approval evidence is useful, as far as it goes. The nature of crisis intervention services generally makes it inappropriate to ask clients for a quality judgment on the service at the time of service delivery. However, well-designed stratified sample surveys of past service recipients can obtain client assessments of services delivered at times of high stress. For such surveys to be possible, of course, projects must be able to maintain contact with clients after project services are provided.

Project Turnaround surveyed a sample of its clients (by telephone) to determine the extent and quality of help received. The results are presented in Table 4.3.

The Project Turnaround evaluation concludes that, of the 117 who received help only four (three percent) regarded the help as not useful, and that 99 percent indicated they would contact the project again if they had similar problems.

Table 4.3[4]
EXTENT OF HELP RECEIVED FROM CCSU STAFF OR REFERRAL BY SAMPLE QUESTIONED (PROJECT TURNAROUND)

	Number	Percent
Received Help	117	71%
Help Not Yet Received	33	20%
Not Eligible	7	4%
Was Refused Help	6	4%
Help No Good	1	1%
TOTALS	164	100%

The Brooklyn V/WAP evaluation surveyed 15 users of each of four project services: the reception center, the service counselor, the children's center, and the transportation service (which was subsequently cut back). While the size of the sample is too small to generalize from, the results indicated that those questioned generally found the services advantageous.

> Eleven of the 15 people using the reception center took advantage of the opportunity to ask questions of the staff about court-related matters, and two users consulted with an Assistant District Attorney while in the center. Asked to describe the advantages and disadvantages of waiting there, all but one of the users mentioned advantages (the single exception stated that waiting was unpleasant, no matter where it was done), and no one mentioned disadvantages. The predominant responses were that it provided a more comfortable and relaxing atmosphere to wait than the courtroom or hallway. A number of users mentioned more specific advantages, like privacy, avoiding the defendant, companionship, and diversions to keep their minds off their pending court testimony.[5]

[4] EPRA, Final Evaluation Report, Project Turnaround, p. 12.

[5] Vera Institute of Justice, An Evaluation of the Victim/Witness Assistance Projects' Court-Based Services, November 1976, p. 7.

The Brooklyn V/WAP provides counseling services to clients with problems requiring extended interviews or multiple contacts. Although the evaluation does not indicate the specific nature of the clients' problem, the results of the user satisfaction survey indicated that the counselor is viewed by those who use him as a valuable resource. Thirteen of the 14 respondents who received counseling services gave the counselor the highest rating (one said the counselor was not available). In addition 12 (80 percent) of the respondents said they would have been unable to receive such help if the project's services counselor was not available.

Satisfaction with the children's center was also quite high:

> Every witness whose child used the play center reported that the child enjoyed his stay there, and all but one thought the experience was educational. Moreover, eight of 15 users of the center reported that they would not have been able to make alternative child care arrangements if the center had not been available. Although the physical facilities were generally rated as good (11 persons gave them the highest rating of "very good," four persons rated them as "adequate," and no one rated them as "poor"), five persons suggested a need for more toys or space. All users gave the staff above-average marks for courtesy, although one person suggested that additional staff were necessary to supervise the children adequately.[6]

Especially in the case of referrals, where the bulk of the actual services may be rendered by other agencies, it may be important to follow up client satisfaction; should a service provider prove inadequate, it might be possible to redirect the referral and perhaps all future referrals. However, the results of referral services are often difficult to assess because, even when the service's outcome is measurable and the

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[6] Ibid., p. 9.

project is funded to follow-up, the referral agencies are not always able or willing (for reasons of caseload and confidentiality) to provide information. Therefore, the appropriateness of the referral agency's activities and the level of success of project referrals often remain unclear.

Project Turnaround, in Milwaukee, evaluated its referral effort by computing the number of persons referred to outside agencies (other than Small Claims Court or the City Attorney's Office) who actually went to the referral agency and received service. Between the months of April and September, 1977 project records indicate 30 persons were referred to specific agencies. The evaluators contacted the agencies to learn whether the referred clients had actually made contact.

> Of those 30, referral agency records indicate that 13 (43 percent) did go to the agency and in all but one case these persons received services from the agency to which they were referred. In one case, the client was rejected for service. In one other situation, the agency was not certain if the individual had appeared and was receiving services or not.[7]

The evaluation does not offer explanations for either of these latter cases.

Since there are no baseline data for comparisons, it is difficult to assess the project's relative success. While 12 of the 13 referrals which did follow through appear to be appropriate, no reasons are available for the 17 individuals who did not contact the agency to which they were referred.

Some aspects of V/WAP service lend themselves to the assessment of client satisfaction at the time of service delivery: logistical services, witness information and notification, assistance with restitution, compensation and property return, and financial assistance fall in this category. Indeed, immediate assessment of such services can avoid memory problems,

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[7] EPRA, Final Evaluation Report, Project Turnaround, p. 53.

follow-up difficulties and attrition. For example, the Multnomah County VAP conducted a telephone survey of 51 nonrandomly selected victims who had had some contact with the project during its first six months of operation. Thirty-five percent could not remember the experience or could not distinguish VAP contacts from others within the criminal justice system.

The VAP evaluator compared the level of satisfaction among victims who received court services from VAP with that of victims who prosecuted their cases without VAP assistance in court: 91 percent of the VAP-assisted victims, but only 46 percent of the non-assisted victims, were satisfied with their treatment by the system. However, as the evaluators point out, victim satisfaction appears to be more closely associated with other system variables such as conviction of offender and satisfaction with police than with VAP services. Indeed the evaluators of both Multnomah County and Pima County projects concluded that project intervention was not seen by service users as a key factor in their decision whether or not to report another crime. If there were any influencing factor, it seems to be the police contact. This would seem to indicate the need for victim/witness projects to work directly with police officers in sensitizing them to victim needs.

While getting recipients' overall assessments of service acceptability, an evaluator can often collect low-order Level III (Impact/Effectiveness) data by asking clients about the extent to which the services they received were sufficient to enable them to deal with the difficulties which the service was intended to overcome (Level III project results are discussed below). This first order sort of impact evaluation is not often undertaken, perhaps because social service projects sometimes accept the notion that a service rendered in good faith is good in itself regardless of its impact or effectiveness. One would expect, of course, that whereas nuts-and-bolts services as transportation and child care would receive high marks in this regard, more open-ended services such as counseling and court-system familiarization might cover less of each client's need and perhaps also be harder to evaluate in this sense. Nevertheless, future evaluators of victim/witness projects might do well to pay close attention to the notion of residual need after service. Such an assessment would enable the project to allocate its resources rationally and avoid

"creaming," or dealing with easier, less urgent top layers of need, while leaving the hard core of greater need unattended. For example, when a sample of 60 Brooklyn V/WAP clients were asked if project services had any effect in their coming to court (see Table 4.4) 87 percent (52) said "no." What proportion of these 52 respondents had needs which the project could not or did not fulfill, and what proportion simply had no service needs is not known.

Table 4.4[8]
"DO YOU THINK THAT USING THE SERVICE HAD ANY EFFECT ON YOUR COMING TO COURT?" (USER SAMPLE)

	Reception Center	Services Counselor	Children's Center	Trans-portation	TOTAL
Yes	0	2	1	2	5
No	15	12	13	12	52
No Opinion	0	1	1	1	3
TOTAL	15	15	15	15	60

The evaluation concludes from the survey results that current project services do not cause more positive attitudes towards the court or a greater likelihood of the victim/witness coming to court.[9]

4.6 Level III: Impact and Effectiveness Evaluation

Level III evaluation and its associated monitoring became important to the extent that crisis intervention services are motivated by a desire to enhance the willingness of service recipients to cooperate as witnesses in the prosecutorial process.

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[8] Vera, An Evaluation of the Victim/Witness Assistance Projects' Court-Based Services, p. 8.

[9] Ibid., p. 9.

Such trends and comparisons, however, are notoriously difficult to document. One could decide, for the sake of evaluation, to construct a true experiment by providing combinations of services to randomly selected subsets of eligible populations. Aside from the logistic, ethical, and political difficulties inherent in such a strategy, however, its success would depend heavily on the evaluator's ability to keep the various "treatment groups" intact and separate over time and to gather strictly parallel information on them. Any differential attrition or cooperation would seriously compromise the desired inferences of program effectiveness. Without random assignment, of course, the comparison of served with unserved groups relies upon the hard-to-justify assumption that the unserved are just like the served except for the circumstance of having received no service. If random selection of control and experimental groups is not feasible, an evaluation of program outcome can trace the evolution over time of indices of victim/witness willingness to participate. To attribute an increase to the program, however, one must be willing to assume that the increase would not have happened in the absence of the program, as a result of unmeasured forces. The plausibility of such an assumption varies with the situation.

Outcome indices that might prove useful for monitoring or assessing consequences of V/WAP service delivery under various sets of program objectives include:

- Dispositions of cases involving served and unserved victims and witnesses;
- Process in such cases, especially the extent to which service expedites court proceedings;
- Attitudes of clients and nonclients toward the justice system, especially willingness to cooperate in the future;
- Self-perceived changes in attitude;
- Understanding of the system and willingness to abide by adverse judgments;
- Amounts and qualities of service received as a result of referrals.

Project Turnaround's Witness Emergency Unit provides logistical services to victims/witnesses who are threatened, harassed or otherwise intimidated. The evaluation of this unit included a user satisfaction survey and an assessment of the extent to which project services affected willingness to testify in court. The unit served 158 clients in the year between September 1976 and August 1977. A sample of 55 (34.8 percent) of these clients was interviewed by telephone (the sample included only those clients with listed telephone numbers living in-state and willing to cooperate with the interviewers). Only two people in the sample expressed dissatisfaction with the project's services. The reasons for their dissatisfaction included slowness in getting relocated and insufficient services (although services not provided but needed were not specified). The remaining 53 percent (96 percent) of the sampled clients expressed satisfaction with the projects efforts to reduce harassment and intimidation. None of the 33 clients in the sample who were asked to testify refused and all but one indicated that the efforts of the project were either "extremely important" or "important" in influencing their decision to testify.[10]

The Multnomah County VAP evaluation found that clients who express satisfaction with the criminal justice system in general and the VAP in particular also indicate their willingness to participate in the future. However, the evaluator cautions against assuming a causal relationship between project activities and predictions of future cooperation. Although the data indicate that persons who are satisfied with VAP are more apt to say they will cooperate in the future than are persons who were dissatisfied with VAP, the report concludes that:

> This could be interpreted to mean that the provision of satisfactory services "causes" increased future cooperation; or it could mean that persons who intend to cooperate in the future are more kind in their

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[10] EPRA, Final Evaluation Report, Project Turnaround, p. 103.

retrospective judgments about the program and its services.[11]

Furthermore, the data indicate that victim attitudes toward the criminal justice system are more influenced by their contact with the police and the outcomes of their case (i.e., what happens to the offenders) than by their contact with any other part of the system.

At Level III it is fairly clear from the project evaluations that the witness-management aspects of some V/WAP activities have some capacity to improve the efficiency of the justice delivery system. Despite definitional difficulties attending the notion of "unnecessary" trips to the courthouse, for example, there is little room for doubt that intelligent attention paid to the communications and logistics of witness-attendance procedures can improve what is generally conceded to be an inefficient aspect of court procedure, thus saving both the system's resources and those of citizens. In Milwaukee, for instance, Project Turnaround estimates that its Citizen Victim Complaint Unit has reduced complainant waiting time from four and a half hours prior to the project to not less than one half hour. And, through a variety of witness notification procedures (discussed in Chapter 3) the Brooklyn V/WAP as reported in their May 1976 evaluation report, saves 812 police appearances and 312 civilian appearances per month.[12]

On the other hand, it is apparent from project evaluations that most citizens' disposition to cooperate as witnesses is little changed by the humanization of the setting and procedures that V/WAP contributes. Those who would have cooperated anyway do so; they tend to report that they enjoy it more under V/WAP than if V/WAP were not there, but there is little evidence that V/WAP has made a decisive difference for very many witnesses.

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[11] Oregon Research Institute, The Victim and the Criminal Justice System: An Evaluation of the Multnomah County Victim Assistance Program, August, 1976, p. iv.

[12] Vera Institute of Justice, Impact Evaluation of the Victim/Witness Assistance Project's Appearance Management Activities, May 1976, pp. 17, 20.

The exceptions would seem to be the relatively limited number of witnesses whose transportation or child care situations require help if they are to be able to participate in the prosecutorial process and those who rely on project services to overcome harassment or intimidation.

Thus, the Brooklyn V/WAP evaluation shows no statistically significant difference between the appearance rate of witnesses receiving project services and pre-project witnesses. While the project group has a slightly higher appearance rate at the first adjourned date (55 percent versus 45 percent), this advantage is lost by the next court date. Appearance rates for both groups show some decline as adjournments increase. This study also compared pre- and post-project dismissals due to civilian nonappearance. The conclusion again was that V/WAP services did not have an impact on either the dismissal rate or on the reasons for dismissal.[13] Similarly, Project Turnaround sampled felony case dismissals during comparable five month periods pre-project and during the project and found no statistically significant difference in the rate of dismissals due to witness problems.[14]

4.7 Cost-Benefit Analysis

Each project has attempted to determine dollar savings resulting from its respective efforts. While these analyses have been helpful in identifying some of the project's successes and tangential benefits, the results depend on a wide range of assumptions which are not always consistent across projects. In addition, the computation of the dollar savings attributed to project achievement is often speculative. Thus, while the project budgets are presented in the summary case studies presented in the appendix, they are not discussed in cost-benefit terms.

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[13] Ibid., p. 31.

[14] EPRA, Final Evaluation Report, Project Turnaround, p. 25.

The savings and benefits to which the projects have attempted to affix a dollar amount are of three types: time savings by both civilian and police witnesses; social services received by victims and witnesses; and restitution/compensation awards. Of course, it is impossible to determine exactly how much time has been saved for each individual witness. Instead, the projects compare average waiting time before and after project operations, number of unnecessary trips avoided, and the number of activated alerts (presumably resulting in no wait at all once the witness is summoned to the courthouse). There are numerous problems in attributing a money savings to the results of these activities. In addition to the fact that except for saved police appearances, any savings that do occur accrue to the individual citizens and not the criminal justice system, selection of an hourly or daily rate is necessarily arbitrary. Median income figures do not take into account non-work force members. Considering that crime victims often are the very old, young and poor, precisely those individuals least likely to be employed, computing their cost savings by reducing waiting time is problematic.

Police time savings are documented in much the same way, although duty logs increase the accuracy of time estimates. It is also a simple process to compute an hourly rate and there is no doubt that savings inure to the system. In spite of this, it remains impossible to express the benefits in monetary terms. Police who serve as witnesses do so, with some exceptions, while on regular duty without accruing overtime pay. Furthermore, police witnesses typically are not replaced on their regular duty assignments by other officers. Clearly, there are enormous social benefits in police court time savings since each hour saved increases the amount of police patrol hours. However, these benefits cannot be measured in terms of police officer salaries.

Two problems arise in attempting to compute a dollar benefit for victim services. First, while the benefits are derived by the individual victims they are almost always provided by a government sponsored agency, whether in the criminal justice system or a related service agency with a referral arrangement, and ultimately the costs are borne by the public. Second, when the service is provided through an outside referral it is difficult to measure the utility of the service or to determine whether the individual would have sought such services on his own in the project's absence.

Regarding restitution and compensation awards, it is necessary to assess to what degree the existence and amount of the award is attributable to the project's intervention. While assistance in documenting losses and filing claims is a typical program service, the decision to grant such an award is made independently, either by a judge or a compensation board. Establishing the percentage of cases which would not have been filed without project assistance is necessarily speculative.

In sum, victim/witness projects appear to be providing useful and humane services for persons who otherwise would have been expected to bear the burden of participation in the criminal justice system by themselves and at their own expense. However, the value and importance of these services varies from user to user and thus, while most agree that such projects are worth their cost, it is impossible precisely to assess the savings, if any, which accrue from them.

4.8 Conclusion

In conclusion, it appears that a citizen may not be entirely foolish in hesitating to venture into the alien, confusing and frequently inconsiderate world of the criminal courts. People do in fact hesitate, and the justice system works less effectively as a result. Those who overcome their hesitancy, furthermore, may have it reinforced by what they encounter in the system. Victim/witness assistance programs have sought to minimize the difficulties and frustrations which have been associated with participation in the criminal justice system. The most notable achievements of these programs appear to be their ability to coordinate witness appearances (in court and at the prosecutor's offices) and the resulting time saved by cooperating witnesses. Thus, based on the project evaluations, the greatest benefit of victim/witness assistance appears to result from those project components designed to enhance system efficiency such as intervention to expedite sensitive cases and witness notification services such as case status calls and standby alerts. The social and personal service components of victim/witness assistance (counseling, referrals, education) may have an intrinsic value but their impact on the individuals served and the system generally is yet to be determined.

APPENDIX: CASE STUDIES

Victim/Witness Assistance Project
Brooklyn, New York

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Introduction

The Victim/Witness Project (V/WAP) of Brooklyn, New York was founded in July 1975 as a cooperative venture of the New York City Criminal Justice Coordinating Council, the Kings County (Brooklyn) District Attorney's Office, the New York City Courts, the New York Police Department and the Vera Institute of Justice with the intention of increasing witness participation in the criminal justice process. The project was designed to develop a more effective method of witness notification than had previously existed, and to expand a limited system of telephone alerts begun in 1970 by the Appearance Control Unit, an earlier demonstration project of the Vera Institute. Victim and witness oriented services were developed to fill an obvious gap. It was hoped these services would engender a greater willingness by civilians to participate in the criminal justice process.

The project has been evaluated on an ongoing basis by the research staff of the Vera Institute of Justice. Evaluations of the Dispute Center and the Victim Involvement Project are currently underway.

Project Development and Organization

In the first three years of operation (July 1975-July 1978), V/WAP was under the aegis of the Vera Institute of Justice supported by LEAA grants. Its funding history is as follows:

- April 1975-May 1976 (14 months) $1,160,000
- June 1976-March 1977 (9 months) 910,277
- March 1977-July 1978 (12 months) 990,113
- July 1978-December 1978 (5 months) 573,304

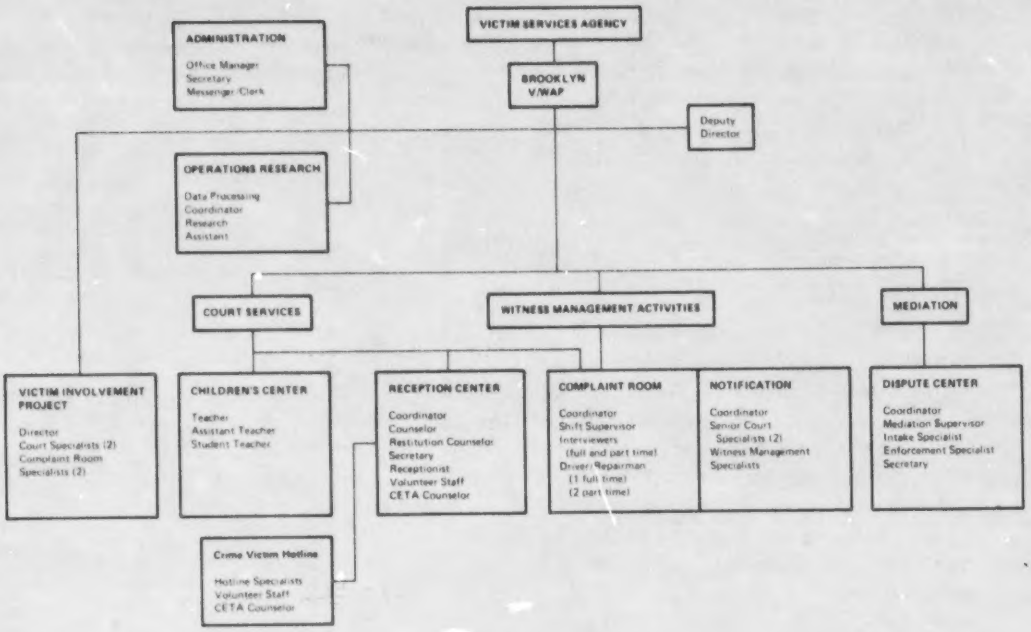
The effectiveness of V/WAP operations in Brooklyn has resulted in the creation of a citywide Victim Services Agency (VSA) responsible for developing similar services in other boroughs. VSA has an annual budget of $1,155,402 and includes the Brooklyn V/WAP. (See Chapter 1 for a discussion of VSA.)

V/WAP employs 41 full-time staff. The project utilizes a corps of graduate student and senior citizen volunteers and has a summer internship program. In addition, two police administrative aides and one police officer are assigned to the V/WAP notification unit. As shown on the organization chart (Figure A.1), those personnel are attached either to the program administration staff or to one of the three V/WAP units: Witness Management, Court Services and the newly created Dispute Center.

Project Operations

The V/WAP's three major units (witness management, court services, and mediation) have undertaken the following four tasks: (1) alleviating witness confusion and unnecessary appearances by notifying all prosecution witnesses of upcoming court dates and placing reliable witnesses on "standby telephone alert"; (2) supplying the District Attorney's Office with case and court management information, including daily lists of

Figure A.1
VICTIM/WITNESS ASSISTANCE PROGRAM ORGANIZATION CHART



witnesses (civilian and police) for every case and indicating whether witnesses are expected to appear; (3) providing supportive services, including a reception center for victims and witnesses, a children's center, transportation to court, a crime victim hotline, management of court-ordered restitution payments, a burglary repair unit, a social services counselor, and an intensive victim assistance effort (Victim Involvement Project); and (4) establishment of a mediation center in cooperation with the Institute for Mediation and Conflict Resolution to divert appropriate interpersonal disputes from the Criminal Court.

Witness Management Activities

Since beginning operations in July 1975, V/WAP has managed notifications and appearances of all police and civilian witnesses in Kings' County Criminal Court (Brooklyn), which processes over 60,000 cases per year. After an arrest has been effected,[1] victims and witnesses are brought by police to the 84th Precinct complaint room to fill out necessary forms. The complaint room is staffed by V/WAP and Assistant District Attorneys around the clock, seven days a week. There, a V/WAP interviewer explains the Court process and the array of court and noncourt related V/WAP services. Cases are also screened for referral to the Dispute Center. Finally, contact information (name, address, home and work phone numbers, etc.) is joined with information taken from the police report (including names of other witnesses and the contact information for the arresting officer) and entered into the computer, creating case files that form the basis for future notification of court appearances. Should the case survive arraignment all the information noted above, along with arraignment data (docket number, witness presence or absence, outcome, adjourned date and court part) are fed into the computer for use by the notification unit.

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[1] When no arrest has been made, complaints are made directly to the District Attorney's Office without V/WAP assistance. Once an arrest has been made, the victim is contacted by V/WAP.

The notification unit is responsible for contacting all witnesses who are not excused at the outset. In cases adjourned for five days or less, the unit begins immediate, direct telephone notification procedures. If it is unsuccessful, an attempt may be made to contact witnesses in person. For cases adjourned at arraignment for six or more days, the witness is mailed a computer-generated letter that notes his upcoming court date, describes V/WAP client services, and asks him to phone the notification unit to confirm receipt of the letter. When he calls, the witness may be told to appear in court, or he may be placed on "standby telephone alert" (if he can be contacted by phone and is able to get to court within one hour after contact if his presence is required). Figures for the last quarter of 1977 show that the failure to appear rate for witnesses placed on standby alert was only .3 percent.

Each evening a list is prepared for the Assistant District Attorneys indicating the next day's case schedule in each court part. The list includes the following items for each case: witness' appearance status (must appear, on alert, or excused); method of witness contact (telephone, letter, visit); and expected appearance or nonappearance of each witness. Assistant District Attorneys are also provided a "Recommended Immediate Action List" of witnesses who have refused to appear in court, who are unlocatable by telephone or address, and who have not responded to one or more subpoenas.

Police witnesses are notified by police personnel assigned to the V/WAP notification unit. Police witnesses are also eligible for "alert" status; that procedure appears to save police officers over 1,000 unnecessary trips to the courthouse per month.

Finally, at the end of each day, V/WAP staff enter into the computer the outcome of the day's proceedings and any changes in witness appearance status, thereby starting a new notification cycle.

Civilian witnesses are notified of the final disposition of their cases by letter and weekly reports of case dispositions are sent to all Brooklyn police precincts.

Special Services for Victims and Witnesses

The primary goal of the special services unit is to ease the burden of the judicial process on victims and witnesses by "humanizing" the system through special services, including:

- Victim/Witness Reception Center, located in the Brooklyn Criminal Court building. Comfortably furnished and supplied with coffee, magazines, and telephones, the Center provides a quiet and pleasant waiting atmosphere for witnesses. When witnesses are needed, the court notifies reception center staff by intercom. Full-time and volunteer personnel stationed in the Reception Center briefly counsel victims (for purposes of referrals), assist them in making claims to the state's Victim Compensation Board, direct them to appropriate parts of the building, and respond to inquiries.

- Services Counselors. More extensive counseling and referrals are provided in the Reception Center by the services counselor and his staff of graduate student volunteers. When appropriate, the counselor or staff will accompany the victim to the various hearings.

- Children's Center, available for the children of victims, witnesses, and defendants. The Center is headed by a trained preschool teacher and an assistant teacher and accepts children up to 12 years of age.

- Crime Victim Hotline, available on an eight-hour, five-day-per-week basis. The hotline is staffed by three full-time staff and trained volunteers, who answer questions concerning court procedures and Project services, and provide short-term crisis intervention and referral.

- Emergency Repair Service, which will fix locks, board windows, or provide other security repair for both private citizen and commercial burglary victims. This service is available in the evening only. V/WAP also operates a preventive repair service for the elderly.

- Transportation. Taxi vouchers are provided to witnesses unable to travel to and from court or who are fearful of appearing and would not appear without such assistance. Subway tokens are provided to those who cannot afford to buy them. (V/WAP attempts to place as many of these witnesses as possible on "standby telephone alert" since funds for this service are limited.)

- Property Release and Return. In the complaint room, compalinants sign a Permission and Authority Affidavit stating that the defendants did not have their permission to use their property. This affidavit is then forwarded to the arraignment part where ADA authorization for the release is obtained by a V/WAP staff member. In most cases, the release is authorized and property may be returned immediately to the complainant.

- Restitution--processing payments and informing the court about delinquent and completed payments.

- Victim Involvement Project, recently initiated through a one-year grant from the Clark Foundation, is an effort to work closely with victims throughout the prosecutorial process. VIP staff are stationed in the complaint room to talk to victims about the court process and their expectations of prosecution. VIP staff also attempt to uncover any special problems the victim may be experiencing and his willingness to cooperate. Prosecutors are informed of any relevant information the VIP staff member may learn, including the victim's desires on bail and disposition. Victims who are not present in the complaint room are telephoned to gather this same information.

  VIP staff are responsible for managing the appearance of victims and witnesses, which may include placing their children in the Children's Center, arranging transportation, or accompanying them from the Reception Center to the courtroom. Victims in need of services are referred to V/WAP's services counselor.

Evaluation of the court services dealt only with the reception center, services counselor, children's center, and transportation. Based on telephone interviews with 80 victim and witness clients, the evaluation report concluded that:

- A minority of eligible victims and witnesses were aware that victim services are offered. Of those who were not aware of the services, approximately half said they would have used them had they known of them.
- Service users tended to rate the service and staff very highly.
- Most users would have had difficulty finding alternative ways of meeting the needs addressed by these services.
- The services do not seem to influence significantly users' attitudes toward the court or their likelihood of coming to court.

Mediation

Arrests are screened for mediation by V/WAP staff in the complaint room. If a relationship exists between the disputants and the crime meets certain criteria (e.g., cases involving serious injuries are excluded), staff describe the mediation alternative to the disputants. If the disputants are interested in mediation, V/WAP requests District Attorney and Court approval to refer the case.

Dispute Center mediators are community volunteers trained in the techniques of mediation and conflict resolution. Mediated settlements are written up as arbitration awards, which are civilly enforceable.

During the first quarter of 1978, 704 cases were identified as potentially eligible for mediation by V/WAP staff. Of these, half were approved for mediation and referred to the Dispute Center. Of the cases referred for mediation, 62 percent were successfully mediated, 37 percent were returned to the DA (primarily due to complainant and/or defendant nonappearance), and one case was arbitrated.

Project Turnaround
Milwaukee County, Wisconsin

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Introduction

Milwaukee County's Project Turnaround was begun in 1975 to address the problems encountered by victims and witnesses. Project Turnaround has been evaluated on an ongoing basis jointly by Evaluation/Policy Research Associates, Ltd. and Price Waterhouse & Co. (subsequently referred to as the "EPRA" evaluation).

Project Development

In 1974 a technical assistance team from Marquette University conducted a survey of victims and witnesses in Milwaukee County. Among the findings: 70.1 percent of those interviewed expressed feelings of anger as a result of their experience with the criminal justice system; 38 percent indicated that if a similar incident were to occur they would respond "less cooperatively." Project Turnaround began operations in April 1975 intending to "turn around" the apparent public disaffection for the criminal justice system by broadening the scope of services provided to victims and witnesses.

Project Organization

Project Turnaround originally consisted of six task-specific units: the Witness Emergency Unit, the Judicial Information Systems Unit, the Citizen Contact and Support Unit, the Sensitive Crimes Unit, the Citizen-Victim Complaint Unit, and the Advocacy Unit.

Since beginning operations in 1975, the project has experienced structural alterations because of budget cuts and institutionalization of two program service units by the District Attorney's Office. During its first 16 months (5/75-9/76) Project Turnaround's budget was $1,274,523 ($1,147,071 in LEAA discretionary funds, with a 10 percent county match of $127,452). The total budget was reduced to $963,855 in the second year (10/76-11/77), with $800,000 (83 percent) coming from LEAA, and was further reduced to $768,657 in the third year (beginning December 1977) with a 67 percent LEAA contribution amounting to $515,000.

The organization chart (Figure B.1) indicates the structure of Project Turnaround. The Sensitive Crimes Unit and Citizen-Victim Complaint Unit are now part of the District Attorney's Office. The Judicial Information Systems Unit, Citizen Contact and Support Unit, and Witness Emergency Unit are still supported by LEAA funds. After the first 16 months, the Advocacy Unit[1] was eliminated due to the financial constraints of the second year grant.

Each unit is headed by a unit coordinator who is responsible to the Executive Committee, which is composed of the Chief Judge of the County and Circuit Courts, the Chairperson of the County Board of Supervisors, the County Executive, the District Attorney, and the Clerk of Courts; and to the head of the agency to which that unit is attached (i.e., the District Attorney or the Sheriff).

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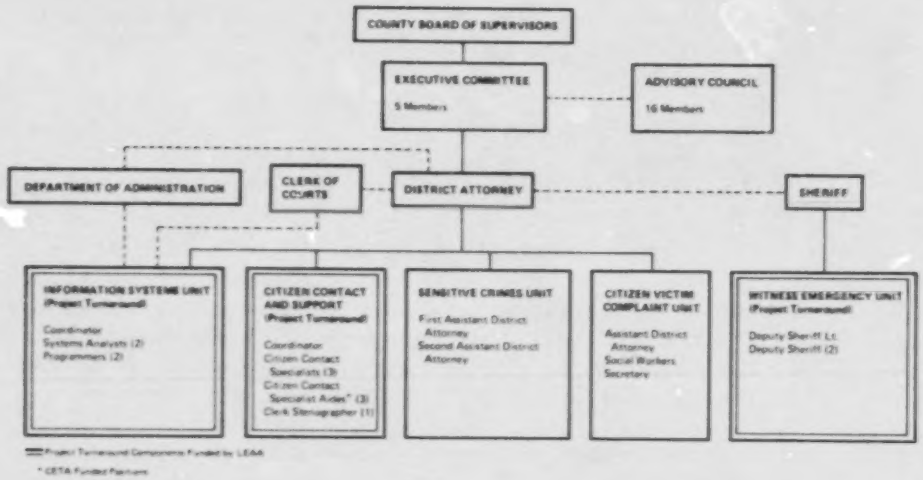
[1] The Advocacy Unit had served primarily a lobbying function, introducing the project to other county agencies and programs, and representing the interest of victims and witnesses in policy decisions in the county criminal justice system and at the state legislature.

Figure B.1
PROJECT TURNAROUND ORGANIZATION CHART



Project Turnaround Components Funded by LEAA

* CETA Funded Positions

Project Turnaround is located in a county office building adjacent to the Milwaukee County Court House. This building also houses the District Attorney's Office and a detention facility.

In the section below the activities and achievements of each unit are discussed. The two units which are no longer components of Project Turnaround are also described since they were part of the project for over two years.

Citizen Contact and Support Unit (CCSU)

The objectives of the Citizen Contact and Support Unit are to:

- Serve as a liaison between victims and witnesses and the criminal justice system in order to assist them with any problems that may arise and to "humanize" the process;
- Provide prompt and timely notice to victims and witnesses and reduce waiting time and unnecessary appearances.

The primary efforts of the CCSU include victim and witness notification, management and support.

In the area of management and notification, several activities are undertaken. After arraignment, subpoenas are computer-generated and the file is forwarded to the CCSU. An effort is made to place a case status call to all subpoenaed witnesses prior to the preliminary hearing. In each call the court specialist explains the scheduled court proceeding, obtains other numbers where the witness may be reached, and ascertains whether the witness anticipates problems in appearing on the required date. Victims are additionally informed of property return procedures, restitution, and compensation. In homicide cases, the CCSU coordinator acts as a liaison to the victim's family, keeping them informed of case status and arranging for property return and compensation. According to the EPRA evaluation, CCSU has been able to make contact with 71 percent of all witnesses.

If a witness or victim cannot be reached by telephone, the CCSU specialist will send the individual a letter informing him of the subpoena and requesting that he call. Each subpoena is accompanied by a brochure prepared by Project Turnaround which provides information on courthouse location, transportation, parking, witness fees, and services available from Project Turnaround.

Since preliminary hearings tend to be held on schedule in Milwaukee, witnesses are rarely put on "on-call alert" at this stage. This procedure, according to CCSU staff, is more frequently used for jury trials. Witnesses are put on on-call alert if arrangements can be made to locate the witness within one hour traveling time of the court house and to ensure telephone contact at that location. "Recalls" are made to witnesses whose cases have been delayed, adjourned, dismissed, or plead-out, to avoid unnecessary trips. Witnesses are then contacted as the trial date approaches and scheduled to appear or put on on-call alert. Between October 1976 and November 1977, CCSU telephoned 4,287 witnesses to inform them when to appear or to cancel their appearances.

By physically checking each courtroom during the period of study, the EPRA evaluators attempted to assess the effectiveness of CCSU's alert procedures in assuring witness appearance. They found that for preliminary hearings, 81 percent of expected witnesses did appear. For trials, however, less than half of the expected witnesses were, in fact, present in court.

Support activities of CCSU have included arranging lodging and transportation for out-of-town witnessess, transportation for in-town witnesses, child care, language interprecers, property return, witness fee collection, assistance in preparing state restitution forms, and contacting the witnesses' employers to arrange for salaries to be paid while the witnesses are testifying. In cases involving property return, witness fee payment, or victim compensation, CCSU staff function as victim/witness advocates with other criminal justice agencies and personnel.

The CCSU also sends letters informing victims and witnesses of the final disposition of their cases, and has recently started providing notification for some witnesses involved in misdemeanor cases.

Judicial Information Systems Unit (JUSTIS)

JUSTIS is an automated county-wide criminal justice information system which was instituted to improve court calendar management, case scheduling, and witness notification.

The system is heavily utilized by all relevant agencies, presently logging approximately 200,000 transactions per month. To date, 19 jurisdictions have implemented JUSTIS software. JUSTIS has proved particularly helpful to Project Turnaround Units in three critical areas: subpoena preparation, witness recall, and response to inquiry.

- Subpoena preparation. There are currently between 130 and 210 felony subpoenas prepared daily. On an annual basis, approximately 65,000 felony subpoenas will be issued by JUSTIS, in addition to approximately 15,000 preliminary hearing subpoenas and approximately 24,000 subpoenas for misdemeanors and traffic matters. JUSTIS also prepares the subpoenas for witnesses who are put "on-call" (i.e., standby alert). In addition, the JUSTIS system possesses a "selective subpoenaing capability" whereby only the essential police officer is subpoenaed, if it is determined that the proceeding will not require attendance of citizen witnesses, e.g., projected guilty plea, etc.

- Recall Process. JUSTIS prepares for each upcoming court event a "Subpoena Summary and Witness Attendance List" which includes the names, addresses, and home and office telephone numbers of all witnesses subpoenaed. Thus, should in-court proceedings (which are automatically entered into the system) or out-of-court proceedings (e.g., plea bargaining) make it no longer necessary for certain witnesses

to appear in court, the CCSU has a convenient reference document for notifying those witnesses and "recalling" the previously issued subpoenas.

- Response to Inquiry. Requests for case information can be immediately accessed through JUSTIS' computerized indices. Citizen requests for information may be entered into the system from the CCSU, the subpoena room, or from the Clerk of Courts lobby. During the first nine months of 1977, JUSTIS responded to more than 2,100 citizen requests for case information plus more than 5,500 requests from the CCSU for information to place case status calls. In addition to the four types of indices available in the prior manual system (case number, defendant, court and date) JUSTIS also automatically displays the Assistant District Attorney, defense attorney, witness, and police officer involved. JUSTIS also prepares all court calendars for the clerk's office as well as the Judgment Roll and a complete transcription of all events (arraignments, bail, parties present, pleas, continuances, etc.) for each case. Copies are available to all parties at no cost.

Witness Emergency Unit (WEU)

The Witness Emergency Unit's primary objective is to provide responsive services to victims, witnesses, jurors or judges who have been threatened, harassed or otherwise intimidated. The WEU also anticipates such problems in cases where defendants turn state's evidence and provides the necessary services.

Threats against a victim, witness, or juror are investigated and, if substantiated, may result in assigned surveillance, protective custody, or temporary or permanent relocation (the latter, on occasion involving identity change). The unit may also effect arrest for "threat to injure," a statutory felony

in Wisconsin designed primarily to protect witnesses.[1] If the threats are against property or against a person but do not require relocation or full-time surveillance, the unit notifies the law enforcement agency responsible for patrolling the area where the person or property is located. Through the Sheriff's 24-hour Emergency Communciations Center, the unit may respond to calls for assistance around the clock. Services most frequently provided are assurance and counseling, escort, surveillance, relocation, and appearing in court with witnesses. According to the WEU Coordinator, some of the services provided by the unit (relocation, extensive protection, and identity change) were the first to be initiated at a nonfederal level. The unit receives most of its referrals from law enforcement agencies, the Citizen Contact and Support Unit, and the DA's office. Between 100 to 200 referrals a year have been received.

A sample of 55 WEU clients was interviewed by the EPRA evaluators. Thirty-three had been asked to testify; of those, 32 reported that WEU services were either "extremely important" or "important" in influencing their decisions to testify.

Citizen-Victim Complaint Unit (C-VCU)

The Citizen-Victim Complaint Unit was designed to handle telephone inquiries and complaints from citizens who walk into the County District Attorney's office unaccompanied by a policeman. The Unit's primary objectives are to reduce the waiting time before complaints are taken and to provide a more careful and thorough review of citizen complaints. Telephone inquiries from victims are handled by referring the caller to appropriate law enforcement or social service agencies and requesting personal interviews when necessary. Due to budgetary cutbacks, cases involving either city ordinances or family disputes are referred to the City Attorney's office.

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[1] 943.30 Wisconsin statutes, as amended, 1975.

The EPRA evaluation shows that the C-VCU has reduced complainant waiting time from an average of four and one-half hours prior to project inception to approximately one-half hour.

Sensitive Crimes Unit (SCU)

The Sensitive Crimes Unit is responsible for handling sex crimes, child-abuse and child-neglect cases. The unit's primary objective is to provide continuity of prosecution from initial interview through disposition by assigning only one Assistant District Attorney to each case. This protects the victim from having to retell the story at each stage of the case as new prosecutors are assigned and seeks to engender victim confidence, resulting, it is hoped, in a greater number of prosecutions. Through strong working relationships with the appropriate social service and medical agencies, the unit has established a uniform approach in policies and procedures for handling these cases, particularly procedures for preserving or recording medical evidence needed for effective prosecution. Furthermore, the unit works closely with the District Attorney's anti-rape program, a counseling service available to all rape victims. The SCU has also participated in a public education campaign.

Between July 1975 and June 1977, the SCU actively participated in prosecuting 251 cases. The average time to trial for cases filed between September 1976 and June 1977 was 4.20 months, compared to 5.07 months in a baseline period prior to Project Turnaround.

Telephone interviews with 20 SCU clients revealed a high level of satisfaction with the unit's referral services and the staff's sensitivity. Seven of the 10 who testified in court[1] said they would not have done so without support from the SCU attorney.

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[1] Of the 10 who did not testify, five reported that the defendant pleaded guilty, four said the DA did not call them, and one noted that the case was dropped.

Victim Assistance Project
Multnomah County, Oregon

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Introduction

The Victim Assistance Project (VAP), Multnomah County, Oregon, was designed to rectify what the project refers to as the "criminal injustice system," i.e., the imbalance of services and funds for offenders as opposed to the victims and witnesses of crime.

VAP objectives are directed toward easing the plight of crime victims and relieving the confusion surrounding court procedures. These objectives are:

- To provide information and assistance to victims and witnesses concerning court scheduling to facilitate their appearance in court;
- To develop a property recovery and return system;
- To notify victims and witnesses of case status, from arraignment through sentencing;
- To make referrals to social service agencies; and
- To provide short-term counseling to victims and their families.

Services are tabulated by project staff on an ongoing basis and presented in monthly progress reports. The quality of services has been measured through surveys conducted by an outside evaluator, Oregon Research Institute (ORI).

Project Development and Organization

The Multnomah County Victim Assistance Project (VAP) is the second of three programs administered by the District Attorney's Office with the intention of assisting crime victims. The first such program was a rape assistance project initiated late in 1974. As police and prosecutors gained confidence in the rape project and staff, they occasionally referred to the project nonrape crime victims with needs such as medical attention, counseling, relocation, victim compensation, etc. Although the rape project staff were able to provide these services on an occasional basis, the needs of nonrape victims were usually of a different nature and often focused on such issues as restitution or property return.

By 1975, the need for a separate service for victims in general was recognized and the District Attorney's Office sought funding for a Victim Assistance Project, which resulted in a $150,000 LEAA discretionary grant.

By September 1976, it became clear that two distinct services were being offered by the Victim Assistance Project: victim support and assistance and restitution documentation and advocacy. In November 1976 Project Repay was established relieving VAP of all restitution duties.[1] The second 10 months of VAP operations were supported by the Oregon Law Enforcement Council (OLEC) at a level of $79,000. Total funding for FY 1978 is $99,011 ($79,209 OLEC, $3,564 state buy-in, and $16,238 local match).

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[1] Between VAP's inception in July 1975 and the inception of Repay in November 1976, VAP was active in securing $494,000 in court-ordered restitution.

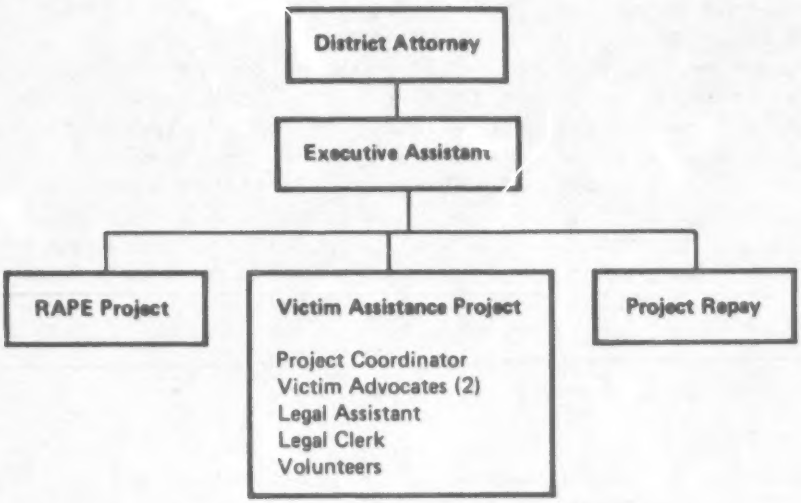
As Figure C.1 illustrates, the three victim oriented programs (VAP, Repay and RAPE) are independent divisions under the District Attorney's Executive Assistant although clients may be referred from one unit to another as the need arises. For example, rape victims who choose not to prosecute (or where there are no suspects) may be referred from the Rape Project to the Victim Assistance Project. The former focuses primarily on assistance to rape victims involved in prosecution of the offender whereas VAP is better equipped to provide appropriate social service referrals for counseling or medical needs. Referrals are easily handled inasmuch as the three projects share the same floor of the County Court House and have a centralized clerical and file area. In fact, interviews with the three project directors and the County District Attorney indicate that for all practical purposes, the three programs are components of a single victim services division. The distinctions are currently necessary because of the demands of grant funding. However, when such monies expire in 1980 (RAPE is already institutionalized), all three programs will be institutionalized under such a division.

Presently, VAP staff consists of a project coordinator, two part-time victim advocates, a legal assistant and a legal clerk. Between 10 and 20 volunteers are used in the project's various activities.

Project Operations

The project formally defines its potential clientele as victims of felonies involving personal injury or trauma (excluding, for the most part, rape victims) and victims of selected misdemeanors where there are extenuating circumstances or personal injury (e.g., the project places special emphasis on purse snatching victims who frequently are elderly and live alone). In reality, however, "eligibility criteria" are extremely flexible and project staff will generally assist any victim (including victims of property crimes) or witness requesting services. Although VAP works primarily with victims of crime (about 90 percent of its clientele), clients also include witnesses or family of victims. VAP clients are most frequently the victims of assault, purse snatch, and robbery.

Figure C.1
ORGANIZATION CHART



Clients come to VAP primarily from three sources: the police, the District Attorney, and by self-referral. Since July 1977, police and prosecutor referrals have accounted for over 70 percent of all VAP clients (81 percent in the most recent reporting period). Recently, standard operating procedures have been instituted in both the DA's office and the police department that result in the immediate inclusion of VAP in each homicide (staff work with victim's family), assault, purse snatching or any other crime in which the victim is over 60. Ultimately, VAP will contact all felony victims (except rape victims) to explain project services and to offer assistance. The project currently averages 284 clients per month.

Once client contact is made, the director will either take personal charge of the case or assign it to an advocate or volunteer, depending on the person's skills and schedule.

Services

VAP staff can provide their clients with short-term crisis intervention counseling, usually immediately after the incident or in the period surrounding later events such as grand jury or court appearances. VAP staff also assist victims in obtaining compensation through Oregon's Crime Victim's Compensation Laws which became effective January 1, 1978. VAP staff have been instrumental in ensuring that necessary criteria are met, documenting claims and expediting payment.

To provide appropriate referrals for clients requiring social services, the project has developed a listing of local agencies (107 as of June 1978) ranging from large government agencies to small nonprofit groups. VAP serves a clearinghouse function, referring clients to agencies whose services include: emergency food, shelter and money; medical and dental services; transportation; babysitting; welfare; food stamps; Social Security; employment; services for the aged; counseling; and legal assistance. An additional referral that VAP has been using with increasing frequency is the Neighborhood Mediation center, particularly for cases in which there is a dispute between the parties that could lead to a more serious incident in the future.

VAP is also responsible for the administration of the property return procedure in instances where victims' property has been confiscated for evidentiary purposes and/or recovered in the course of investigation. VAP staff routinely check both the DA's and police property clerks' files to ensure that at the conclusion of any case, all available property has been returned. VAP has introduced a unique system whereby photographs can replace the actual physical evidence in court, thereby enabling the early return of such property to the victim. Exceptions to this practice include instances where the evidence must be inspected by the jury (e.g., the victim's property is also an instrument of the crime such as a tool or weapon) or where the property is necessary to link the defendant to the crime through identifiable fingerprints. Other exceptions are narcotics and noncooperative victims (those who refuse to make the property available should it be physically required in court).

Information about the criminal justice system is routinely mailed to all citizens coming into contact with the system, whether as victims or as witnesses. (Plans are underway to convert the present manual court information system to PROMIS within the next year.) VAP has prepared form letters to notify both civilian and police witnesses of various stages of their cases' progress.

VAP will soon begin to send letters to victims informing them of parole board hearings regarding the defendants in their respective cases. The project also mails general information pamphlets describing obligations and procedures associated with testifying in a criminal case.

VAP maintains a special purse snatching program in which all reports of such crimes are catalogued according to age, sex, and race of the victim and suspect and the time, date, geographical location and type of premises in which the crime was committed. This has, to date, encompassed 688 victims and 866 suspects. Crimes are recorded on a large pin-map at the VAP offices. Information is shared with police for assistance in deployment tactics, and a brochure is currently being prepared for public information.

The Victim Assistance Project is also involved in a broad public information effort, primarily through staff presentations to community groups, public service agencies, school groups, etc. In May 1976, the project sponsored a one-day conference titled "Victims, Who Cares?" attended by a wide range of professionals and featuring a report by a task force appointed by the District Attorney to study the problems of crime victims.

Victim/Witness Advocate Program
Pima County, Arizona

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Introduction

The Victim/Witness Advocate Program (V/WAP) of the Pima County Attorney's Office in Tucson, Arizona, was envisioned as an attempt to re-orient the justice system toward a more balanced approach to justice, by addressing the needs of the victims and witnesses of criminal acts as well as the needs of the offenders.

Two broad goals have been established by the Pima County Attorney's Victim/Witness Advocate Program:

- To assist victims and witnesses in recovering from the social trauma of crime and
- To alleviate the difficulties associated with participating in the criminal justice system.

Stanford Research Institute (SRI) has conducted two evaluations of V/WAP activities and V/WAP has conducted a number of studies of various program aspects. The first year SRI report focused on V/WAP attainment of stated objectives and the second year report examined program costs and benefits.

Project Development and Organization

The concept of victim services in Pima County surfaced in 1974 among persons working with the restitution programs of the County Attorney's Adult Diversion Project, which at that time was one of five divisions within the County Attorney's Office (Criminal, Civil, Adult Diversion, Family Support, Consumer Protection).[1] The Adult Diversion Project staff trained 25 volunteers in counseling techniques and began assisting the Tucson Police Department in providing victim services around-the-clock.

A separate victim/witness program was established in January 1976 with $134,640 federal funding, $8,800 local funding, and $5,300 private funding. Several specialized staff were hired and a formal training program for volunteers was implemented. The second year grant was for a nine-month period (2/77-10/77) and totaled $111,112. That grant was extended through December 1977, at which time a seven-month $86,212 grant was awarded, guaranteeing project funding through June 1978. In July 1978, V/WAP was institutionalized as a unit of the County Attorney's Office with a budget of $192,749, of which $156,749 was funded by the county and the remainder by the city of Tucson.

V/WAP staff consist of the program administrator, the victim/witness supervisor, four victim/witness advocates, two witness services advocates, two secretaries, and until recently, a research analyst. Figure D.1 below depicts V/WAP organization.

During the first two years of operation, the Victim/Witness Program recruited and trained a total of 128 volunteers who have assisted project staff with virtually every aspect of program operations. Training involves instruction in local

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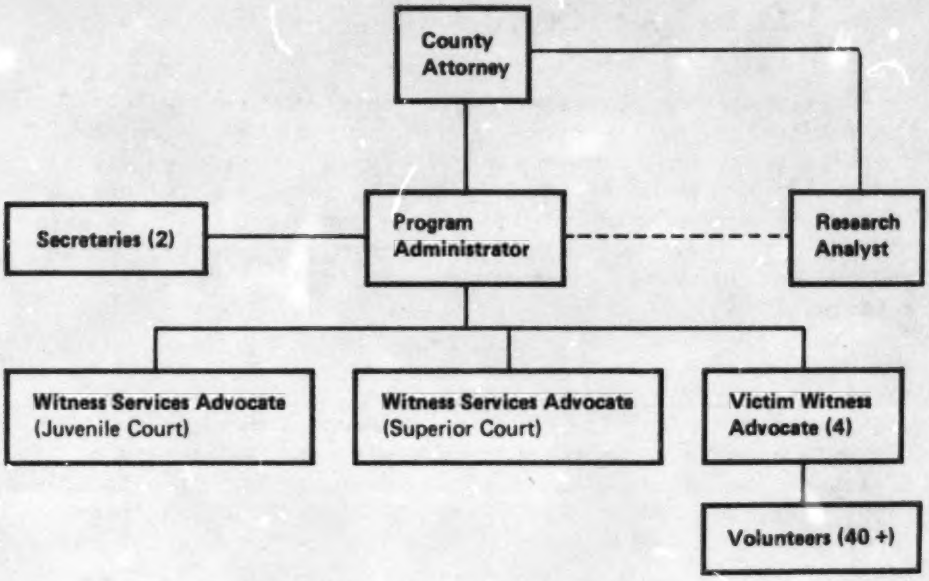
[1] The County Attorney's Office has since been reorganized into three divisions: criminal, civil and legal administration. Both the Adult Diversion project and the Victim/Witness Advocate Program are located within the Legal Administration Division.

Figure D.1
VICTIM/WITNESS ADVOCATE PROGRAM ORGANIZATION CHART



criminal justice operations and techniques of verbal and nonverbal communication and crisis intervention, and a ride-along program to familiarize volunteers with the activities of the police.

Project Operations

The Victim/Witness Advocate Program acts upon referrals from the County Attorney's Office, the four local law enforcement agencies (city of Tucson Police Department, Pima County Sheriff's Office, South Tucson Police Department, and the University of Arizona Police Department) and area hospitals. Other referral sources have included social service agencies, mental health and medical agencies, other government agencies, and self-referrals.

Although the V/WAP was originally intended to assist the victims of and witnesses to criminal events, many police officers have referred persons to V/WAP who are in need of assistance in noncrime situations. Such persons have included transients, accident victims, and disoriented or lost persons. In response to requests from LEAA grant monitors that V/WAP restrict its efforts to victims and witnesses of crimes, the number of noncrime related clients was reduced from nearly one-third of the total caseload in the first 10 months of operations to only 14 percent in 1977. However, since V/WAP is now institutionalized, and since its services are not readily available elsewhere, it is expected that services to noncrime related clients will continue.

Victim Services

Victim service advocates and volunteers are on call 24 hours a day, seven days a week. Crisis calls may come from the police officer on the scene or from hospital emergency room personnel; advocates are contacted through a county communications system and through a paging system. Primary crisis services provided are counseling, transportation, and temporary housing. In 1977 approximately half of V/WAP's clients received crisis assistance.

To minimize their response time to crisis calls, project staff man an unmarked radio-equipped police car every night from 6 p.m. to 3 a.m. Two such cars are supplied by the Pima County Sheriff's Office and Tucson Police Department. Crisis workers in the cars respond to calls for assistance from police officers on the scene or assignments from the police dispatcher, or they may take the initiative and "gravitate" toward a crime scene they have monitored over the radio.

Noncrisis problems are handled during regular weekday working hours. Common social service needs include housing, transportation, employment, medical services and day care. Noncrisis clients are generally referred to an appropriate social service agency.

Witness Services

The primary focus of the witness service component is to provide information about criminal justice to victims and witnesses of crimes.

Victims and witnesses of indicted felony crimes are contacted, by telephone or letter, at four points in the criminal justice process:

- When the prosecutor decides to pursue the case: Victims and witnesses are given the name of the deputy county attorney who is working on the case and information about property recovery and retrieval.

- When a subpoena is issued: The V/WAP telephone number is stamped on the subpoena and an information pamphlet is enclosed that requests witnesses to telephone the day before their case is scheduled to verify that their appearance is still required. The pamphlet also outlines court procedures and provides a map indicating the location of the courthouse.

- When a sentencing date is set: Victims are given the following information: the name and telephone number of the investigation officer, the documentation required to determine crime losses and expenses for possible restitution, the name of the sentencing judge, the date of sentencing and assigned Probation Officer. Victims and witnesses are also assisted in preparing input for the Pre-Sentence Report to the judge.

- At case disposition: Information about case disposition also goes to police officer witnesses.

A witness alert procedure was instituted in early 1978 to provide "up-to-the-minute" case status information for prosecution witnesses. The witness service advocate obtains weekly computer printouts from the County Data Processing Division which indicate the court's calendar one week in advance. Attorneys can identify which cases are likely to be continued up to one hour before the case is scheduled and the witness can be so notified. In addition, any special needs pertaining to court appearance can be expressed in advance and appropriate plans made to accommodate the witness (e.g., transportation to court or day care).

The newly installed Information System will be of increasingly greater value to the V/WAP as its functions become more fine-tuned to the program needs. Presently the computer provides information on defendants' status (apprehended, in jail, released on bail, etc.) and case status as well as case disposition.

V/WAP has also recently instituted a subpoena by mail experiment in one of the five Justice of the Peace Courts.[1] V/WAP sends a subpoena letter, certificate of service, and return post card to each civilian or law enforcement witness. Civilian witnesses

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[1] Justice of the Peace Courts have jurisdiction over misdemeanor and traffic cases.

are also sent a brief pamphlet describing what a subpoena is and the function of witnesses, and providing information on court proceedings, courthouse location, transportation, parking, and the like. Both the subpoena and the pamphlet instruct witnesses to contact V/WAP the day before they are to appear to verify court times and locations. Nine days prior to the trial date V/WAP personnel review returned post cards and prepare a personal service subpoena for those witnesses failing to return cards. If the Justice Court notifies V/WAP of a change in the status of the case, V/WAP will then personally contact the witness.

The witness services advocate also receives social service referrals from the Deputy County Attorneys. Services most often requested are counseling and emotional support, notification of continued cases, restitution, babysitting, housing, general information, and transportation to court. In cases where the defendant and victim live together (e.g., in cases of battered wives), the witness advocate contacts the complainant to determine his or her position concerning the conditions of release. This information is relayed to the judge.

Mutual Agreement Process

V/WAP handles family and neighborhood disputes referred by the County Attorney's Office, the police, or Sheriff. Disputants meet either jointly or separately with a V/WAP counselor until a compromise is reached which is documented in a contract signed by both parties.

Public Education/Information

To publicize the services offered by the program, public service announcements have been broadcast on television and radio. Presentations are regularly made to civic and volunteer groups not only on program services but also on specialized topics such as crime prevention for the elderly and defensible space planning and design. In addition, training sessions and workshops on crisis intervention and other topics have been held for police and other criminal justice officials.

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